

## **PAKISTAN 2013 HUMAN RIGHTS REPORT**

### **EXECUTIVE SUMMARY**

Pakistan is a federal republic. There was significant consolidation of the country's democratic institutions during the year. On May 11, the Pakistan Muslim League-Nawaz (PML-N) party won a majority of seats in parliamentary elections, and Nawaz Sharif became prime minister for the third time. The election marked the first time since independence in 1947 that one elected government completed its term and peacefully transferred power to another. Independent observers and some political parties, however, raised concerns about election irregularities. On September 8, President Asif Ali Zardari completed his five-year term and stepped down from office. His successor, President Mamnoon Hussain of the PML-N, took office the next day. Orderly transitions in both the military and the judiciary, in the positions of army chief of staff and Supreme Court chief justice, further solidified the democratic transition. The PML-N controlled the executive office, the National Assembly, and the Provincial Assembly of Punjab, with rival parties or coalitions governing the country's three other provinces. The military and intelligence services nominally reported to civilian authorities but at times operated without effective civilian oversight, although the new government took steps to improve coordination with the military. Police generally reported to civilian authority, although there were instances in which police forces acted independently. Security forces sometimes committed abuses.

The most serious human rights problems were extrajudicial and targeted killings, sectarian violence, disappearances, and torture.

Other human rights problems included poor prison conditions, arbitrary detention, lengthy pretrial detention, a weak criminal justice system, lack of judicial independence in the lower courts, and infringement on citizens' privacy rights. Harassment of journalists, censorship, and self-censorship continued. There were some government restrictions on freedom of assembly and some limits on freedom of movement. Sectarian violence and discrimination against religious minorities continued. Corruption within the government and police was a persistent problem. Rape, domestic violence, sexual harassment, "honor" crimes, other harmful traditional practices, abuse, and discrimination against women and girls continued to be serious problems. Child abuse and commercial sexual exploitation of children persisted. Widespread human trafficking – including forced and bonded labor – remained a serious problem. Societal discrimination against national, ethnic, and racial minorities persisted, as did discrimination based on caste, sexual

orientation, gender identity, and HIV status. Lack of respect for worker rights continued.

Lack of government accountability remained a problem, and abuses often went unpunished, fostering a culture of impunity. Authorities punished government officials for human rights violations in very few instances.

Violence, abuse, and social and religious intolerance by militant organizations and other nongovernmental actors contributed to a culture of lawlessness in some parts of the country, particularly the provinces of Balochistan, Sindh, Khyber Pakhtunkhwa (KP, formerly known as the North West Frontier Province), and the Federally Administered Tribal Areas (FATA).

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were many reports that authorities committed arbitrary or unlawful killings.

Security forces reportedly committed extrajudicial killings in connection with conflicts in Balochistan, FATA, and KP (see section 1.g.).

Extreme physical abuse while in official custody allegedly caused some deaths of persons accused of crimes. The nongovernmental organization (NGO) Society for Human Rights and Prisoners' Aid (SHARP) reported more than 300 civilian deaths after encounters with police, compared with 181 in 2012.

According to a report published in the daily newspaper *The Nation* on January 6, Punjab led the country in police shootings in 2012, with police killing 350 suspected criminals. Most of the alleged shootings took place in Lahore, where police shot and killed more than 70 suspected criminals. Human rights observers, family members, and the media reported security forces staged many of the deaths. Lengthy trial delays and failure to discipline and prosecute those responsible for killings contributed to a culture of impunity.

There were extrajudicial killings of nationalist political activists in Sindh Province. On April 28, the bodies of two Jeay Sindh Muttahida Mahaz (JSMM) workers, Aamir Khuhawar and Sajjad Markhand, were found near Khairpur Nathan Shah. According to JSMM's spokesperson, both Khuhawar and Markhand were Sindh University Jamshoro students abducted from Larkana on April 24.

According to a Human Rights Commission of Pakistan (HRCP) press release, between January and June, police killed 57 persons in Karachi during encounters, and 178 political activists in targeted killings. On August 15, police shot and killed three activists from the nationalist party Jeay Sindh Tehrike – Paryal Chandio, Umeed Ali, and Elahi Chachar – at Karachi’s Safari Park. Local television coverage and a deputy inspector general investigation revealed police killed the three students following detention while in custody.

Politically motivated killings of Baloch nationalists continued in Balochistan and Karachi. On August 14, security forces allegedly killed Secretary General of the Baloch Student Organization Azad Raza Jahangeer, along with another Balochistan National Movement leader in Turbat. Separately, security agents allegedly abducted Zaheer Baloch, a son of Baloch Republican Party leader Anwar Baloch, from Panjgur in April. In June authorities found Baloch’s corpse near Karachi.

The South Asia Terrorism Portal reported that journalists, teachers, students, and human rights defenders also were targeted in Balochistan. In 2012 at least 690 civilians were victims of violence in Balochistan. According to a July 2012 Interior Ministry report, at least 868 persons had been killed in Balochistan since 2010. The report stated that Lashkar-e-Jhangvi, Lashkar-e-Balochistan, Baloch Musalla Difa Tanzeem, and the Baloch Liberation Army were involved in disrupting law and order in the province. According to the HRCP, terrorist attacks in Balochistan killed 2,050 innocent persons and injured another 3,822 in 2012.

There were reports of politically motivated killings by political factions or unknown assailants in the city of Karachi, Sindh Province. According to the HRCP, a total of 1,726 persons were killed in Karachi during the first six months of the year; including 178 political activists and 73 victims of sectarian violence.

The elected provincial government and political parties in Sindh Province remained the targets of attacks. There was a significant increase in attacks on the Awami National Party (ANP), the Muttahida Quami Movement (MQM), the Pakistan People’s Party (PPP), and government office holders, especially prior to the May 11 elections. On April 28, a bomb attack at a political rally in Karachi’s Lyari neighborhood killed at least three persons and injured PPP provincial assembly candidate Adnan Baloch and 15 others. On April 11, a gunman shot and killed Fakhar-ul-Islam, an MQM candidate for the Sindh provincial assembly in Hyderabad. Tehrik-e-Taliban (TTP) later claimed responsibility for the attack. On

election day, twin bomb blasts outside an ANP office in the Landhi neighborhood of Karachi killed at least 10 persons and injured two dozen bystanders.

Additionally, according to a report in *The Express Tribune*, an unknown assailant shot and killed ANP leader Sardar Syed Lal Darwaish on September 6. Three others also died in the attack, and another dozen were injured.

Targeted killings, especially on sectarian grounds, continued in KP: Malik Jara Hussain, Shahnawaz, Riaz Hussain, and Superintendent of Police Hilal Haider were among the prominent figures killed during the year. Former officials of the Intelligence Bureau and police also were targeted. On February 8, a senior Shia lawyer, Malik Jarar Hussain, was shot and killed on Gulbahar road in Peshawar District. He was a council member and a former vice chairperson of the HRCP's KP chapter. Jarar was dropping his children off at school when two motorcyclists intercepted his car on Gulbahar road and shot him. On May 10, a series of bomb blasts killed two workers of the ANP in the Peshawar District. Three persons also were injured in the attack. On June 18, a suicide bomber killed 35 persons and injured another 57 when he blew himself up at a funeral prayer in the Mardan District. Newly elected Member of the Provincial Assembly Imran Mohmand died in the blast. No group claimed responsibility for the attack.

There were no new developments in the case of Malik Mumtaz Qadri, who remained in detention in Rawalpindi's Adiala Jail, after receiving the death penalty for the 2011 killing of Punjab's then governor, Salman Taseer.

Suspected Tehreek-e-Taliban Pakistan (TTP) militant Hammad Adil allegedly confessed to 2011 killing of the federal minister of minority affairs, Shahbaz Bhatti, after he was arrested by police on August 30. According to media reports, militants Muhammad Tanveer and Omar Abdullah also confessed to their involvement in the attack. Adil, Abdullah, and Tanveer remained in police custody at year's end.

During the year militants and terrorist groups killed hundreds and injured thousands with bombs, suicide attacks, and other forms of violence (see section 1.g.).

## b. Disappearance

There were kidnappings and forced disappearances, with reports of disappearances in nearly all areas of the country. Some police and security forces held prisoners incommunicado and refused to disclose their location. Human rights organizations

reported that many Sindhi and Baloch nationalists were among the missing, and there were reports of disappearances during the year in connection with the conflicts in FATA and KP.

Nationalist political parties in Sindh Province, including the JSMM and the Jeay Sindh Qaumi Mahaz (JSQM), reported disappearances and claimed that some of their members were in the custody of the intelligence agencies. According to the JSMM's spokesperson, there were at least 10 activists in the custody of intelligence agencies. Security forces allegedly kidnapped JSQM activist Ayaz Leghari and NGO worker Majid Leghari in July. According to press accounts in the English daily, the *Frontier Post*, approximately 250 persons disappeared from Karachi, eight from Hyderabad, four from Benazirabad, three from Sukkar, and two each from Tharparkar, Khairpur and Naushehra PEROZ from 2010 until 2012. The NGO Defense of Human Rights provided details regarding more than 100 missing persons from Sindh to the Supreme Court.

On July 24, the government formed a 19-member task force to create a national policy on missing persons and monitor the status of pending cases. A secretary of the Interior Ministry was appointed as chairman of the task force, which home secretaries and inspectors general of police of the four provinces, representatives of intelligence agencies, and officials of the Interior Ministry. According to media reports, the first meeting of the task force was held on July 29. Participants discussed the legal, humanitarian, social, and political aspects of the missing persons problem.

According to a July 2012 Interior Ministry report, at least 619 persons had been kidnapped and 2,390 had disappeared in Balochistan since 2010. The Supreme Court and higher courts continued hearings on missing persons' cases. On December 12, Minister of State for Interior Baleeghur Rehman informed the Senate that the number of missing persons cases in the Commission of Inquiry of Enforced Disappearances stood at 813, while the number of cases in the Supreme Court was 304. According to Rehman, the number of missing persons cases in Lahore High Court was 14, in Sindh High Court 174, in Peshawar High Court 101, in Balochistan High Court 22, and in FATA 40. According to Amnesty International, during 2012 the courts gained unprecedented access to individuals secretly detained by the country's security authorities. On September 12, the newspaper *Dawn* reported law enforcement officers had found 592 bodies in Balochistan since 2010, with many of the corpses belonging to missing Baloch political workers. The article also reported that 66 Baloch missing persons cases

were pending before the Supreme Court, with another 64 cases pending before the Commission of Inquiry on Enforced Disappearances.

The issue of enforced disappearances continued to persist in KP. In the Peshawar High Court, approximately 425 habeas corpus petitions from the families of missing persons remained pending. The court regularly conducted hearings on these cases. According to media reports, approximately 1,050 missing persons had been freed by the intelligence and other law-enforcement agencies since 2012, after receiving strict directives from the Peshawar High Court. On January 22, a two-member bench of the Peshawar High Court took notice of the death of two missing persons and summoned KP law enforcement officials to explain their failure to apprehend those responsible for the killings. During a December 10 hearing, the government informed the Peshawar High Court that since the formation of the federal task force for missing persons in July, it has identified 643 missing persons in KP and 64 in the tribal areas as internment centre detainees. On December 10, the Supreme Court disposed of a petition of 35 missing persons who disappeared from the Malakand Internment Center in KP after being acquitted by courts. The government explained that two of the inmates died in custody. Authorities presented the remaining seven before the Supreme Court. The court ordered the release of the remaining detainees and declared such detentions illegal. It also set a seven-day deadline for the government to produce all of the remaining missing persons before the court. The December 18 deadline passed without the production of any other missing persons, however. The next missing persons hearing is scheduled for January 14, 2014.

In August 2012 the Peshawar High Court also took action on its own regarding the recovery of bodies packed in sacks. The court pointed out that 16 bodies were recovered in Peshawar in a single month, while reports of bodies found in other parts of KP continued throughout 2012. During a February 28 hearing on the matter, the Peshawar High Court considered the “body bag” recovery cases to be “extrajudicial killings.” On June 25, the court criticized the poor state of the police investigation of the dumped bodies and warned that senior police faced termination if they did not capture the killers. There were new reports of “body bag” recovery cases during the year. Residents in Nowshera alerted authorities of two bodies found in gunnysacks on April 12. According to police, these were the third incidents to occur that week. On August 6, *The Express Tribune* reported that five bodies were found in gunnysacks along the banks of the Kabul and Swat rivers in two separate incidences in Nowshera and Charsadda, KP. According to police, four of the victims were women, and some of the bodies bore torture marks.

The UN Working Group on Enforced or Involuntary Disappearances visited Quetta in September 2012 and submitted its official report to the UN in February. The UN group criticized the commission for its failure to investigate the role of intelligence agencies, the main organs accused of involvement in acts of forced disappearances. Baloch groups rejected the commission's findings, accusing it of siding with intelligence agencies.

Disappearances from Balochistan remained a problem, with Baloch political groups demanding political and human rights. On August 26-27, a three-member bench headed by Chief Justice Iftikar Muhammad Chaudhry heard Balochistan unrest cases at the Quetta Registry of the Supreme Court. According to media reports, the Supreme Court gave the Frontier Corps (FC), police, and intelligence agencies two weeks to recover the missing persons. According to the Supreme Court's August 28 written judgment, security agencies agreed to hand over any uniformed officers who were involved in the abduction of citizens in Balochistan. In its September hearing in Quetta, the apex court issued notices to the inspector general of police Balochistan and inspector general of the FC for failing to cooperate with the court. The Supreme Court also continued to investigate cases of missing persons in Balochistan and ordered the government to recover these people.

The bodies of 140 missing persons also were found, and 10 persons were killed in an army operation in Mashkay, Awaran district of Balochistan, in December 2012. In 2012 the Voice of Baloch Missing Persons estimated that more than 14,800 persons had disappeared in Balochistan since 2001. The number of missing persons that the organization was able to document in detail was considerably lower during the year, with their official lists as of September 2010 registering 2,627 missing persons since 2001 and 493 killed since 2009.

In September 2012 the UN Working Group on Enforced or Involuntary Disappearances made its first visit to the country at the government's invitation. During the 10-day visit, the delegation met with officials and civil society representatives in Islamabad, Karachi, Lahore, Peshawar, and Quetta. The working group noted that, while cases continued to be reported to authorities, there were controversies surrounding the statistics and the nature of forced disappearances. The UN group welcomed the judiciary's role in shedding light on the whereabouts of missing persons, but it expressed concern that relatives of victims reported that perpetrators had not been prosecuted and convicted. The working group underscored the need to reinforce the Judicial Commission of Inquiry on Enforced Disappearances as well as to provide for the oversight and the

accountability of law enforcement and intelligence agencies and provide protection for victims and witnesses. The group also recommended that a new and autonomous crime of “enforced disappearance” be included in the criminal code using the definition in the 2006 International Convention on the Protection of All Persons from Enforced Disappearances and incorporating the attendant legal consequences. Although not formally accepted by the government, the group submitted a final report of its findings to the UN Human Rights Council on February 26.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits torture and other cruel, inhuman, or degrading treatment, but there were reports that security forces, including the intelligence services, tortured and abused individuals in custody. The law has no specific section against torture: It sanctions “hurt” but does not mention punishing perpetrators of torture. There are no legislative provisions specifically prohibiting torture.

According to the Asian Human Rights Commission (AHRC), the absence of proper complaint centers and a particular section in the criminal code to define and prohibit torture contributed to the spread of such practices. The AHRC maintained that the government undertook no serious effort to make torture a crime and added that the state provided impunity to the perpetrators, who were mostly police or members of the armed forces.

SHARP reported that police tortured persons in more than 7,200 cases, compared with 9,300 cases in 2012. Political intervention by election candidates led to increased detainee protection and a reduction in reported torture cases. Torture occasionally resulted in death or serious injury. Observers noted the underreporting of torture throughout the country. SHARP and other human rights organizations reported that methods of torture included beating with batons and whips, burning with cigarettes, whipping the soles of feet, prolonged isolation, electric shock, denial of food or sleep, hanging upside down, and forced spreading of the legs with bar fitters.

There were reports that police personnel employed cruel and degrading treatment and punishment. *The Nation* reported that Okara police forced a father and his son to sexually abuse each other in front of the other prisoners and guards when they were detained on July 23. The Punjab Chief Minister (CM) Shahbaz Sharif later

removed three senior police from their posts as punishment for their abuse of power.

On August 22, *The Express Tribune* reported that Lundianwala police allegedly tortured and killed Muhammad Danish during a murder case interrogation. After the interrogation, police took him to the hospital, but Danish eventually died from his injuries, including damage to his lungs. A day earlier, protesters held a sit-in at the police station to demand that the supervising officer punish those responsible for Danish's death. While police initially stated that they would take action against the officers involved, they later dismissed the torture allegations and claimed that death was due to his "high blood pressure."

On September 17, *Geo News* reported that it uncovered a torture cell in the Ghaziabad police station. A correspondent found a 14-year-old boy chained in the cell. Local residents claimed that police regularly detained suspects in a torture cell. Four officers who allegedly operated the torture cell were suspended and subsequently arrested. Punjab CM Sharif requested a full report on the incident from the Punjab chief of police. At year's end there were no further updates.

There were reports that police and security forces raped women. The government rarely took action against those responsible. A June 2012 press release by Karachi-based War Against Rape (WAR) deplored the growing number of rape cases that were being "settled out of court" in Karachi. It stated that between January 1, 2008 and December 31, 2011, only 60 of 315 cases investigated by the organization were taken for prosecution, and of those, an estimated 22 cases ended in an out-of-court settlement or a "compromise" brokered by police, prosecutors, and judges. "Police and the judiciary were seen to actively pressure survivors (or members of their families) to accept settlements and forgo their right to a fair trial," the Karachi group claimed. There also were reports that police sexually abused street children (see section 6, Children).

The WAR fact sheet report stated that 485 first investigation reports (FIRs) of sexual assault were registered in first six months of 2012 in the country. "It is widely noted that the official numbers represented the tip of the iceberg," the fact sheet stated. In Karachi 76 FIRs were registered. WAR data collected from Karachi's three major government hospitals indicated that 147 medical exams were conducted in sexual assault cases during the same period. Police records showed that, of the 76 FIRs in Karachi registered between January and June 2012, only 10 cases had been presented in the courts, while 58 cases (76 percent of the total) had been disposed of under Classification A – which meant that, after the police

investigation, there was insufficient evidence for the case to proceed, or the accused had absconded.

On August 23, the *Daily Awami Awaz* reported that police in Sukkur allegedly gang-raped a woman named “Rabia.” She went to the police station to file a complaint on a domestic issue, but instead of helping her, a group of officers, forced her into a residence and raped her once again. Police never registered the rape incident. On October 8, Ghotki police allegedly raped two young women in their custody for a period of three days. They were arrested and appeared before the court on October 14. Chief Minister Sindh Syed Qaim Ali Shah took notice of the case and ordered a probe into the matter.

The practice of cutting off a woman’s nose or ears, especially in connection with “honor” crimes was frequently reported, but authorities often did not take action to combat the practice (also see section 6, Women). Parallel local council meetings (jirgas) announced inhuman punishments, such as honor killings for those accused of violating tribal customs or offering a woman or girl in marriage to the opposing clan to settle a dispute. The newspaper *The Lahore Times* reported that on May 7, a husband and his parents threw acid on his 20-year-old wife because they believed she was a “kari” or dishonored woman. They allegedly locked the woman in the house for 15 days before finally allowing her to get medical treatment for her festering wounds. According to the article, police did not arrest the husband following the attack. On June 12, local media reported that a husband attacked his wife with acid in Hyderabad. The victim died three weeks later from her injuries. Police registered a case against the assailant, but there were no details of any further action.

## **Prison and Detention Center Conditions**

Conditions in some prisons and detention centers were harsh and life threatening. Problems such as overcrowding and inadequate medical care were widespread.

Physical Conditions: Prison conditions often were extremely poor . Police sometimes tortured, mistreated, and, at times, killed prisoners. Overcrowding was common. Provincial governments were the primary managers of prisons and detention centers. Human rights groups that surveyed prison conditions found sexual abuse, torture, and prolonged detention prevalent.

SHARP reported 69 deaths in jails, compared with nine in 2012. Police stated that these deaths occurred when suspects attempted to escape, resisted arrest, or committed suicide.

Inadequate food and medical care in prisons led to chronic health problems and malnutrition for those unable to supplement their diets with help from family or friends. In many facilities, sanitation, ventilation, lighting, and access to potable water were inadequate.

Most prison facilities were of antiquated construction, without the capacity to control indoor temperatures. A system existed for basic and emergency medical care, but it did not always function effectively. Prisoners sometimes paid bribes, and bureaucratic procedures slowed access to medical care. Foreign prisoners often remained in prison long after completion of their sentences because they were unable to pay for deportation to their home countries.

There were reports of prison riots during the year. Grievances that provoked the riots included overcrowding, deprivation of legal rights, slow disposition of cases, and inadequate jail administration facilities.

A high-profile terrorist attack on Dera Ismail Khan, KP's largest jail, raised serious concerns about prison security. According to media reports, Taliban militants dressed as police attacked the jail and freed 243 of the prison's inmates.

According to the KP chief minister, 35 high-profile militants were set free because of the attack. Four police and five militants died in the fighting.

Minority prisoners generally were afforded poorer facilities than Muslims and often suffered violence at the hands of fellow inmates. Christian and Ahmadi communities claimed that their members were more likely to be abused in prison. The Center for Legal Aid and Assistance reported that conditions were often worse for those prisoners accused of violating blasphemy laws.

SHARP estimated that during the year the nationwide prison population was 94,000 while the capacity of prisons was about 36,000, and the HRCP estimated there were 75,444 prison detainees with an authorized prison capacity set at 44,578. According to an April 2012 *Daily Times* report, the Law and Justice Commission of Pakistan revealed that the capacity level at some jails declined considerably after implementation of the judicial policy of 2009. Prior to its implementation, there were 63,000 prisoners in various jails in Punjab, three times the capacity of the province's jails. The policy's implementation led to quick

disposal of cases, which ultimately decreased the figure to 51,000. Similarly, in Sindh the number of prisoners declined from 20,000 to 16,000. Even after these reductions, overcrowding remained a problem. There were approximately 4,800 persons in Karachi Central Jail, according to journalists. The minister of prisons, however, reported 3,400 prisoners as of August. The jail's holding capacity was approximately 1,000 prisoners.

SHARP estimated the number of female prisoners as of September 2011 at 700. According to the International Crisis Group, in 2011 there were 82 remanded female prisoners in Sindh, 30 convicted, and one condemned. Punjab, with 670, had the largest population of female prisoners in the country, but only one prison for them in Multan. KP and Balochistan, with 121 and 21 female prisoners respectively, did not have separate prisons for women.

Police often did not segregate detainees from convicted criminals. Prisoners with mental illness usually lacked adequate care and authorities did not separate them from the general prison population.

Prison officials kept juvenile offenders in barracks separate from adults. Nevertheless, at some point during their imprisonment, children were mixed with the general prison population. Prisoners and prison staff often subjected children to abuse, rape, and violence.

According to the Society for the Protection of the Rights of the Child (SPARC), most juvenile prisoners were held in Punjab's 29 prisons. As of December 2012 there were 815 juvenile prisoners in Punjab: 99 were convicted and 716 were in the trial process. In the country's four provinces combined, there were 1,219 juvenile prisoners in the trial process and 179 convicted juveniles. SPARC stated that juvenile prisoners were among the worst off in the country. The jail conditions in which they were kept were extremely poor. Many spent longer periods behind bars because they were unable to afford bail. Rather than being rehabilitated, most child prisoners became hardened criminals by spending long periods in the company of adult prisoners.

Juveniles accused of terrorism or narcotics offenses were not protected under the Juvenile Justice System Ordinance. SPARC reported that children as young as age 12 were arrested under the Antiterrorism Act for terrorism. Children convicted under the act could be sentenced to death, although there were no cases in which a child was executed under the act.

Women were held separately from men in some, but not all, prisons. There were many reports of violence against and rape of women.

According to SHARP, the government did little to improve conditions in detention facilities and failed to monitor existing conditions. As a result, the situation appeared to deteriorate.

Administration: There was an ombudsman for detainees, with a central office in Islamabad and offices in each province. Although a complaint system existed for prisoners to submit grievances, it did not function effectively. Inspectors general of prisons irregularly visited prisons and detention facilities to monitor conditions and to handle complaints filed by individuals reporting misbehavior of civil servants.

SHARP reported that by law prison authorities must permit prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. After submitting a complaint, however, an inmate must remain in the same prison with the same prison authorities. Therefore, prisoners often remained silent to avoid confrontation with the jail authorities.

The constitution mandates that religious minority prisoners be given places to worship inside jails. It was not clear whether this provision was ever implemented.

Independent Monitoring: The International Committee of the Red Cross (ICRC) reported great difficulty in accessing detention sites, in particular those holding security-related detainees. The ICRC closed its offices in Lahore in January 2012. In August 2012 the ICRC issued a news release indicating it would continue to work in the country but on a reduced scale. The announcement came three months after the killing of the ICRC health program manager in Quetta.

Despite dialogue with the ICRC during the year, authorities did not authorize ICRC visits to any detention sites in the provinces most affected by violence – KP, FATA, and Balochistan. The governments of Sindh, Gilgit-Baltistan, and Pakistan-administered Kashmir, however, permitted the ICRC to conduct independent monitoring in civil prisons. ICRC delegates made confidential reports on their findings, offered recommendations to authorities, and, where relevant, initiated water sanitation improvement projects.

Authorities at the local, provincial, and national levels permitted some human rights groups and journalists to monitor prison conditions of juveniles and female inmates.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but authorities did not always comply. Corruption compounded this problem.

#### **Role of the Police and Security Apparatus**

Police have primary domestic security responsibilities for most of the country and by law, control of local police falls under the Ministry of Interior. The Rangers are a paramilitary organization under the authority of the Ministry of Interior, with branches in Sindh and Punjab. The armed forces are responsible for external security. During the year there were times when the government assigned domestic security responsibilities to the armed forces.

The Frontier Crimes Regulations (FCR) provides the framework for law and order in FATA. The FCR has often been criticized for several harsh provisions, some of which were mitigated when President Zardari amended the FCR in 2011. Major changes in the FCR related to banning the collective responsibility of a tribe, restricting the arbitrary nature of the powers of political agents or district coordination officers, and granting citizens the right to challenge the decisions of political agents in courts.

A political agent who reports to the president through KP is responsible for implementing the FCR. In lieu of police, multiple law enforcement entities operated in FATA. These entities included: 1) the Paramilitary Frontier Scouts, which report to the Ministry of Interior in peacetime and the army in times of conflict; 2) the Frontier Constabulary, which patrols the area between FATA and KP and operates in FATA and reports to the political agent; 3) khassadars (hereditary tribal police), which help the political agent maintain order; and 4) lashkars (tribal militias), which are convened by tribal leaders to deal with temporary law and order disturbances.

Police effectiveness varied greatly by district, ranging from reasonably good to ineffective. Some police committed human rights abuses or were responsive to political interests.

Frequent failure to punish abuses contributed to a climate of impunity. Police and prison officials frequently used the threat of abuse to extort money from prisoners and their families. The inspectors general, district police, district nazims (chief elected officials of local governments), provincial interior or chief ministers, the federal interior minister, the prime minister, or courts could order internal investigations into abuses and order administrative sanctions. Executive branch and police have the authority to recommend, and the courts may order, criminal prosecution. These mechanisms were used occasionally.

The court system remained the only means available to investigate abuses by security forces.

Police often failed to protect members of religious minorities, including Christians, Ahmadiyya Muslims, and Shia Muslims, from attacks. There were improvements, however, in police professionalism during the year. As in previous years, the Punjab provincial government conducted regular training in technical skills and protection of human rights for police at all levels.

### **Arrest Procedures and Treatment of Detainees**

A FIR is the legal basis for any arrest, initiated when police receive information about the commission of a cognizable offense. The ability of police to initiate a FIR without a third party report is limited. Often a different party must file the FIR, depending on the type of crime, irrespective of whether there is reasonable proof of a crime. For certain crimes, however, police may initiate a FIR. A FIR allows police to detain a suspect for 24 hours, after which a magistrate may order detention for an additional 14 days if police show that the detention is material to the investigation. Some authorities did not observe these limits on detention. There were reports that authorities filed FIRs without supporting evidence to harass or intimidate detainees or did not file them when adequate evidence was provided unless the complainant paid a bribe.

NGOs reported individuals frequently paid bribes to visit a prisoner. Foreign diplomats could meet with prisoners when they appeared in court and could usually meet with citizens of their countries in prison, although authorities sometimes delayed access.

**Arbitrary Arrest:** There were reports that some police detained individuals arbitrarily without charge or on false charges in order to extort bribes for their

release. There were reports that some police also detained relatives of wanted individuals to compel suspects to surrender.

Pretrial Detention: Police routinely did not seek a magistrate's approval for investigative detention and often held detainees without charge until a court challenged the detention. When requested magistrates approved investigative detention without requiring justification. In cases of insufficient evidence, police and magistrates sometimes colluded to issue new FIRs, thereby extending detention beyond the 14-day period.

A district coordination officer has the authority to recommend preventive detention, on the grounds of "maintenance of public order," for as long as 90 days to a provincial home department and, with the approval of the Home Department, may extend it for an additional 90 days. By law detainees must be brought to trial within 30 days of their arrest.

Judges sometimes denied bail at the request of police or the community or upon payment of bribes. In some cases trials did not start until six months after the FIR, and at times individuals remained in pretrial detention for periods longer than the maximum sentence for the crime with which they were charged. SHARP estimated that 75 percent of the prison population was awaiting trial. In some cases detainees were informed promptly of charges brought against them.

NGOs reported that authorities sometimes denied bail in blasphemy cases under the premise that, because defendants faced the death penalty, they were likely to flee.

Special rules apply to cases brought to court by the National Accountability Bureau (NAB), which under the law established courts for corruption cases. Suspects may be detained for 15 days without charge (renewable with judicial concurrence) and, prior to being charged, may be denied access to counsel. During the year the NAB rarely exercised this power. Offenses under the NAB are not bailable, and only the NAB chairman has the power to decide whether to release detainees.

Antiterrorism courts had the discretion to deny bail for some charges if the court had reasonable grounds to believe the accused was guilty.

Under the FCR in FATA, each tribal agency is administered by a political agent, who has legal authority to detain individuals preventively, on a variety of grounds,

and require “bonds” to prevent undesired activity. In 2011 the FCR was amended to exempt women over age 65 and children below age 16 from collective punishment. Collective punishment is applied incrementally, starting with the first immediate male family members, followed by the subtribe, and continued outward. Although this reduces its scope, the FCR assigns collective punishment without regard to individual rights. Human rights NGOs expressed concern about the concept of collective responsibility, as authorities used it as a pretext to detain members of fugitives’ tribes, demolish their homes, confiscate or destroy their property, or lay siege to a fugitive’s village pending his surrender or punishment by his own tribe in accordance with local tradition. Under the amended FCR, indefinite detention is not allowed, and appeals may be made before the FCR tribunal. If wrongfully punished, prisoners have the right to compensation. Cases must be decided within a specified period, and arrested persons may be released on bail. Prisoners are required to be brought before FCR authorities within 24 hours of detention, curtailing the arbitrary right of political agents to arrest and hold persons for up to three years. The accused have the right of appeal via a two-tiered system, which starts with an appellate authority composed of an FCR commissioner and an additional judicial commissioner.

Under the FCR in FATA and the Provincially Administered Tribal Areas (PATA), security forces may restrict the activities of terrorism suspects, seize their assets for up to 48 hours, and detain them for as long as one year without charges. Human rights and international organizations reported that an unknown number of individuals allegedly affiliated with terrorist organizations were held indefinitely in preventive detention, tortured, and abused. In many cases these prisoners were held incommunicado and were not allowed prompt access to a lawyer of their choice; while improving, family members often were not allowed prompt access to detainees.

The Actions in Aid of Civil Power Regulation 2011 grants wide powers to the military. The regulation allegedly responded to the need for a permanent federal statute to regulate the armed forces and give them legal authority to handle detainees under civilian supervision when called upon by the government. Retroactive to 2008, the regulation empowers the KP governor to direct the armed forces to intern suspected terrorists in the FATA and PATA. Critics stated that the regulation violates the constitution because, among other things, it empowers the armed forces to occupy property, makes statements or depositions by military officers sufficient to convict an accused, and makes all evidence collected, received, or prepared by the interning authority admissible and dispositive of guilt. Others noted that the regulation establishes a legal framework where none

previously existed, prohibits the abuse or misuse of force by the military, and allows for more transparent treatment of detainees by requiring registration upon apprehension and providing a legal process for transfer of detainees from military to civilian authorities for prosecution. It also creates an appeals process for detainees and their relatives and, importantly, limits the powers of the armed forces in administering the regulation. Detainee transfers to the internment centers continued on a regular basis.

According to media reports, the agencies shifted about 2,500 missing persons to the federal and provincial governments' notified internment centers. In addition the number of enforced disappearances cases, as defined by international human rights law, increased after the promulgation of the regulation. When the Peshawar High Court took up for hearing cases of missing persons during the year, the number of habeas corpus petitions increased to more than 350. The court resumed hearings in these cases after the summer break ended in September.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary often was subject to external influences, such as fear of reprisal in terrorism or blasphemy cases. In nonpolitical cases, the media and the public generally considered the high courts and the Supreme Court credible.

There were extensive case backlogs in the lower and superior courts, as well as other problems that undermined the right to effective remedy and the right to a fair and public hearing. According to then Chief Justice Chaudhry, more than 1.6 million cases were pending in the district and the superior courts as of August 2012. Delays in justice in civil and criminal cases were due to antiquated procedural rules, weak case-management systems, costly litigation, and weak legal education.

The jurisdiction of the Supreme Court and the high courts does not extend to several areas that operate under separate judicial systems. For example, Azad Kashmir has its own elected president, prime minister, legislature, and court system independent of the country's judiciary. Gilgit-Baltistan also has a separate judicial system.

Many lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. The politicized nature of judicial promotions increased the government's control over the court system.

Unfilled judgeships and inefficient court procedures resulted in severe backlogs at both the trial and appellate levels.

Informal justice systems lacking the legal protections of institutionalized justice systems continued, especially in rural areas, and often resulted in human rights abuses. Feudal landlords and other community leaders in Sindh and Punjab, and tribal leaders in Pashtun and Baloch areas, held local council meetings (known as panchayats or jirgas), at times in defiance of the established legal system. Such councils settled feuds and imposed tribal penalties on perceived wrongdoers, including fines, imprisonment, or at times the death penalty. Women often were sentenced to violent punishments or death for “honor”-related crimes. In Pashtun areas, primarily located in FATA, such councils were held under the outlines of the FCR. Assistant political agents, supported by tribal elders of their choosing, are legally responsible for justice in FATA and conduct hearings according to their interpretation of Islamic law and tribal custom. Under the pashtunwali code of conduct, a man, his family, and his tribe are obligated to take revenge for wrongs, real or perceived, to redeem their honor. Frequently disputes arose over women and land. They often resulted in violence.

The traditional settling of family feuds in tribal areas, particularly those involving killing, could result in giving daughters of the accused in marriage to the bereaved. Many tribal councils instituted harsh punishments, such as the death penalty, honor killings, or “watta-satta” marriages (exchange of brides between clans or tribes).

## Trial Procedures

The civil, criminal, and family court systems provide for public trial, presumption of innocence, cross-examination, and appeal. There are no trials by jury.

Although defendants have the right to be present and consult with an attorney, courts appoint attorneys for indigents only in capital cases. Defendants bear the cost of legal representation in lower courts, but a lawyer may be provided at public expense in appellate courts. Defendants may confront or question prosecution witnesses and present their own witnesses and evidence. Defendants and attorneys have legal access to government-held evidence. Due to the limited number of judges, a heavy backlog of cases, lengthy court procedures, frequent adjournment, and political pressure, cases routinely lasted for years, and defendants made frequent court appearances.

SPARC stated that juvenile prisoners were subject to a slow process due to a lack of special juvenile courts or judges and concluded that a fair and just juvenile justice system did not exist in the country.

The Antiterrorism Act allows the government to use special streamlined courts to try persons charged with violent crimes, terrorist activities, acts or speech designed to foment religious hatred, and crimes against the state. After arrest, suspects must be brought before the antiterrorism courts within seven working days, but the courts are free to extend the period. Human rights activists criticized the expedited parallel system, charging it was more vulnerable to political manipulation.

Cases under the Hudood Ordinance – a law enacted in 1979 by military leader Muhammad Zia-ul-Haq to implement a strict interpretation of Islamic law by enforcing punishments for extramarital sex, false accusation of extramarital sex, theft, and drinking of alcohol – were typically appealed first to the Federal Shariat Court (FSC). The Supreme Court ruled that, in cases in which a provincial high court decides in error to hear an appeal in a Hudood case, the shariat courts lack authority to review the provincial high court's decision. The Supreme Court may bypass the Shariat Appellate Bench and assume jurisdiction in such appellate cases. The shariat courts may overturn legislation judge inconsistent with Islamic tenets, but such cases may be appealed to the Shariat Appellate Bench of the Supreme Court and ultimately may be heard by the full bench of the Supreme Court.

Courts routinely failed to protect the rights of religious minorities. Laws prohibiting blasphemy were used discriminatorily against Shia, Christians, Ahmadis, and members of other religious minority groups. Lower courts often did not require adequate evidence in blasphemy cases, and some accused and convicted persons spent years in jail before higher courts eventually overturned their convictions or ordered them freed. On September 18, the Council of Islamic Ideology recommended a draft resolution for the death penalty for anyone convicted of making false accusations of blasphemy; however, hard-liners struck down this proposal on September 19.

On March 9, an alleged act of blasphemy prompted Muslim demonstrators to set fire to a Christian community in Lahore. The mob looted more than 150 homes, more than 15 shops, and two churches before burning them to the ground. No deaths were reported. Human rights activists faulted the provincial government for not providing the minority community with adequate security, and then President Zardari ordered an inquiry into the attacks. On September 2, Lahore police

arrested a woman on blasphemy charges after she allegedly proclaimed she was a prophet. Authorities detained her at the women's prison, where she remained at year's end.

In 2009 Muslim villagers accused a Christian woman, Aasia Bibi, of blasphemy after a dispute at work. Police arrested Bibi, and she was denied bail under the blasphemy laws. In 2010 a court sentenced Bibi to death, the first woman sentenced to death for blasphemy. The verdict touched off a massive debate about the blasphemy laws, with religious extremists calling for her execution and more moderate voices calling for her pardon or an appeal of the guilty verdict. In June authorities transferred Bibi to the Multan women's jail due to security concerns. According to media reports, Bibi received death threats from both inside and outside of the prison. At year's end, Bibi was waiting for her appeal to be heard at the Lahore High Court. (Also see the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).)

The case of Rimsha Masih, a young Christian girl arrested in August 2012 on blasphemy charges, once again brought international attention to the blasphemy laws and a strong reaction within the country against abuse of the laws. In November 2012 the Islamabad High Court dismissed charges against Masih. In June according to news outlets, Rimsha and her family took refuge in Canada, where she remained at year's end. On August 17, Imam Khalid Jadoon Chishti, the man accused of framing Masih, was released from prison after a judge, citing the lack of a formal indictment and the retraction of witness statements, dismissed the case.

### **Political Prisoners and Detainees**

Some Sindhi and Baloch nationalist groups claimed that their members were marked for arrest and detained based on their political affiliation or beliefs. Under the 2009 Aghaz-e-Huqooqe Balochistan package, which was intended to address the province's political, social, and economic problems, the government announced a general amnesty for all Baloch political prisoners, leaders, and activists in exile, as well as those allegedly involved in "antistate" activities, dropping all cases against Baloch leaders. Despite the amnesty, some Baloch groups claimed that illegal detention of nationalist leaders by state agencies continued. Several of the missing persons documented by Voice of Baloch Missing Persons are well-known leaders of nationalist political parties and student organizations.

## Civil Judicial Procedures and Remedies

Persons may petition the courts to seek redress for various human rights violations, and courts often took such actions. Individuals may seek redress in civil courts against government officials, including on grounds of denial of human rights. Observers reported that civil courts seldom, if ever, issued official judgments in such cases, and most cases were settled out of court. Although there were no official procedures for administrative redress, informal reparations were common.

### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires court-issued search warrants for property. Police sometimes ignored this requirement and stole items during searches. Police seldom were punished for illegal entry. Sometimes police detained family members to induce a suspect to surrender. In cases pursued under the Anti-Terrorism Act, the government allowed security forces to search and seize property related to a case without a warrant.

Several domestic intelligence services monitored politicians, political activists, suspected terrorists, and the media. These services included the Inter-Services Intelligence agency, the police Special Branch, and Military Intelligence. There were credible reports that authorities routinely used wiretaps, monitored mobile telephone calls, intercepted electronic correspondence, and opened mail without the court approval.

NGOs alleged that intelligence personnel often harassed family members of Baloch nationalists. Collective punishment, which involved detention of relatives or members of the same tribe, took place in FATA under the FCR (see section 1.d.).

Although the government generally did not interfere with the right to marry, local officials on occasion assisted influential families in preventing marriages the families opposed. The government also failed to prosecute cases in which families punished members (generally women) for marrying or seeking a divorce against the wishes of other family members.

### g. Use of Excessive Force and Other Abuses in Internal Conflicts

During the year militant and terrorist activity continued in parts of KP and the FATA, and there were numerous suicide and bomb attacks in all four provinces

and the FATA. Security forces reportedly committed extrajudicial killings. Militants and terrorist groups, including the TTP, a militant umbrella group, targeted civilians, journalists, schools, community leaders, security forces, and law enforcement agents, killing hundreds and injuring thousands with bombs, suicide attacks, and other forms of violence. Militant and terrorist groups often attacked religious minorities. A low-intensity separatist insurgency continued in Balochistan.

The government implemented some measures to protect the population. The military conducted counterinsurgency and counterterrorism operations in the FATA to stem TTP militancy. The government also took actions to weaken terrorist ties around the country and prevent recruitment by militant organizations. For example, law enforcement agencies reported the seizure of large caches of weapons in urban areas such as Islamabad and Karachi. Police arrested Karachi gang members and TTP commanders who provided logistical support to militants in the tribal areas. Police arrested would-be suicide bombers in major cities, confiscating weapons, suicide vests, and planning materials. The government operated a center in Swat to rehabilitate and educate former child soldiers.

Poor security, intimidation by security forces and militants, and the control that the government and security forces exercised over access by nonresidents to FATA made it difficult for human rights organizations and journalists to report on military abuses in the region.

Political, sectarian, and ethnic violence in Karachi did not abate during the year. According to the HRCP, 1,726 persons were killed in Karachi. The tenuous balance between political parties and the ethnic and sectarian groups they represented shifted due to significantly altered demographics in the city. The 2005 earthquake that devastated the northern part of the country and the 2010 floods that affected seven million Sindhis resulted in a large influx of citizens from different ethnic groups to Karachi. Although there was no estimate of the number of new city residents, the growth of illegal settlements, both within the city and along its outskirts, suggested a tremendous rise in Sindhi, Baloch, and Pashtun migrants. Political parties and their affiliated gangs vied for political and economic control of these new populations by independently assessing their “allegiances.” The parties engaged in a turf war over “bhatta” (extortion) collection privileges and “ownership” over katchi abadis (illegal/makeshift settlements). The flashpoints of violence in Karachi were Lyari, Orangi, Katti Pahari, Qasba Colony, Pak Colony, and Shah Faisal Colony.

Killings: During the year there were reports of civilian casualties and extrajudicial killings committed by government security forces during operations against militants. The Asian Legal Resource Center documented many cases of extrajudicial killings. According to the AHRC, on June 10, police tortured to death Sharaqpur Sharif District resident Adnan Masih after illegally detaining him for 10 days. Police originally took Masih into custody on June 2 in connection with the disappearance of a young woman.

Militant and terrorist bombings in all four provinces and in the FATA resulted in hundreds of deaths and thousands of injuries. According to the South Asia Terrorism Portal, during the year terrorist and extremist attacks and operations to combat insurgency resulted in 4,369 deaths, of which nearly 2,413 were civilians, more than 544 were security forces, and more than 1,412 were terrorists or insurgents.

Security personnel remained a target of militant attacks throughout the year. On March 6, TTP released video footage of its forces beheading six soldiers in Southern Waziristan. Security authorities believed the incident took place in June 2012. On September 10, the TTP kidnapped and beheaded three progovernment militiamen in the Bara area of KP. The government traditionally encouraged the creation of militias to protect communities from militant violence. On September 15, the TTP killed Major General Sanaullah Khan Niazi and two other military personnel in a roadside bombing in Swat Valley. The general was returning from a troop visit near the Afghan border when an improvised explosive device destroyed his vehicle. According to the South Asia Terrorism Portal, 5462 security force personnel were victims of terrorist violence since 2003. According to a March 27 article in *The Express Tribune*, intelligence agencies reported that the military suffered 15,681 casualties in the tribal areas since 2008.

There were also reports that groups prohibited by the government conducted attacks against civilians in Balochistan. For example, the South Asia Terrorism Portal reported that twin bomb blasts killed 117 persons and injured another 216 on January 10. The Lashkar-e-Jhangvi (LeJ) later claimed responsibility for the attacks. According to August 6 media reports, the Balochistan Liberation Army abducted 26 bus passengers and subsequently executed 13 of them. Police reported that the militants killed the victims because they believed they were security officers from Punjab; however only two of the victims had connections to the military or security agencies.

Sectarian violence also continued in Balochistan, KP, and Gilgit Baltistan, with multiple targeted attacks. According to the South Asia Terrorism Portal , sectarian attacks from January to October resulted in the death of 440 individuals, compared with 507 deaths in 173 incidents in all of 2012. On January 10, twin bomb blasts in Hazara Town, Quetta, killed more than 100 persons and injured another 60, most of whom were Hazara Shias. The Shia community refused to bury the dead for four days until the government acceded to its demands for more security by dismissing the provincial government. Sectarian violence shook Hazara Town on June 30 when a suicide bomber killed 30 persons and injured more than 70. Media reported that police and intelligence agencies were investigating the incident, but police did not make any arrests.

On September 22, at least 83 persons were killed and more than 146 sustained injuries when two suicide bombers attacked a church in Peshawar. While initial media reports indicated TTP Jundulallah group claimed responsibility, other media reports attributed the attack to the TTP's new faction Jundul-Hafsa. Following the attack, Prime Minister Nawaz Sharif strongly condemned the attackers. Interior Minister Chaudhry Nisar announced in a press conference that the government would develop a strong security plan for churches and other places of worship. In the days following the attacks, Christian communities protested in many cities throughout the country.

**Abductions:** During the year there were reports of civilians kidnapped or taken hostage by militant groups in the FATA, KP, Punjab, and Balochistan. In August 2012 militants kidnapped eight employees of the Water and Power Development Authority who were working on the Gomal Zam Dam project in South Waziristan. In September the militants released the kidnapped workers unharmed to local authorities. A TTP spokesperson claimed that the militants released the abducted workers as a "goodwill gesture." On September 15, however, *Dawn* reported that the government paid the militants 25 million rupees (\$235,970) for their release.

**Child Soldiers:** Nonstate militant groups kidnapped boys and girls and used fraudulent promises to coerce parents into giving away children as young as age 12 to spy, fight, or die as suicide bombers. The militants sometimes offered parents money, often sexually and physically abused the children, and used psychological coercion to convince the children that the acts they committed were justified. *The Nation* reported on March 13 that Quetta police announced the arrest of 11 children who were allegedly involved in a series of bomb explosions. The teenaged suspects' ages ranged from 11 to 18, and they all came from poor families. Police

claimed the teenagers were responsible for more than one dozen bomb explosions and that terrorists paid them 2,000 to 5,000 rupees (\$19 to \$47) per bombing.

Other Conflict-related Abuses: In October 2012 Taliban militants shot Malala Yousafzai, a 14-year-old campaigner for human rights. The Taliban singled her out for the attack while she was returning home from school in a van in the Swat area of KP. She survived serious head wounds and was flown to the United Kingdom for medical care. Senior government officials criticized the attack and promised swift action against the perpetrators. Maulvi Fazlullah, the leader of the Tehreek-e-Nafaz-e-Shariat-Mohammadi accused of organizing the attack, was believed to be residing in eastern Afghanistan. On October 7, TTP spokesperson Shahidullah Shahid announced that the Taliban would target Yousafzai again.

During the year militants bombed government buildings and attacked and killed female teachers and polio vaccination workers. TTP particularly targeted girls' schools to demonstrate its opposition to girls' education; however, TTP also destroyed boys' schools. Military operations created hardships for the local civilian population when militants closed key access roads and tunnels and attacked communications and energy networks, disrupting commerce and food and water distribution. More than 20 persons who were responsible for administering the government's polio vaccination campaign were killed in different cities. On June 16, militants shot and killed two aid workers conducting a vaccination drive in the Swabi District. As a result, polio vaccinations were suspended but later resumed. On October 7, a blast near a hospital in Budh Bher near antipolio campaigners killed two. According to media reports, aid workers have not been able to give immunizations in South and North Waziristan since July 2012.

On June 23, Taliban gunmen killed nine foreign mountaineers and their guide at a base camp in Gilgit-Baltistan. TTP later claimed responsibility for the killings. The attack was a major blow to the tourism industry, as mountain climbers were among the few foreign tourists who consistently visited the country, despite its serious security challenges.

On September 17, armed men abducted a prominent Balochistan heart specialist Dr. Abdul Manaf Taneer as he was leaving the hospital. His abduction negatively affected the health sector in Balochistan, as doctors walked out of a state-run hospital for more than three consecutive weeks in protest. According to the Balochistan Chapter of the Pakistan Medical Association, Balochistan's insecurity forced some doctors to move to other provinces or foreign countries. On

December 1, the kidnappers released Dr. Tareen after his family allegedly paid 50 million rupees (\$460,830) as ransom.

In KP elected officials and their families, especially those representing the ANP, were targets of attacks.

As a result of militant activity and military operations in KP and the FATA, large population displacements occurred. Although an estimated 1.9 million conflict-affected persons returned home during the past two years, there were still more than one million internally displaced persons (IDPs) living with host communities, in rented accommodations, or in camps at the beginning of the year. The government and UN agencies such as the Office of the UN High Commissioner for Refugees (UNHCR) and the UN Children's Fund (UNICEF) collaborated to provide assistance and protection to those affected by the conflict and to assist in their return home.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press; however, there was some censorship, and threats, harassment, violence, and killings led journalists and editors to practice self-censorship.

**Freedom of Speech:** According to the constitution, every citizen has the right to free speech, subject to “any reasonable restriction imposed by law in the interest of the glory of Islam” or the integrity, security, or defense of the country; however, the government impeded criticism by monitoring political activity. Citizens could criticize the government publicly or privately, but not the military. Blasphemy laws restricted individuals’ right to free speech concerning matters of religion and religious doctrine.

**Press Freedoms:** The independent media were active and expressed a wide variety of views; journalists often criticized the government. Persecution of minorities was covered; however, journalists were restricted when criticizing or questioning the role of the military. By law the government may restrict information that might be prejudicial to the national interest. Threats and violence against journalists who reported on sensitive problems such as security force abuses occurred during the year. The government also impeded criticism by monitoring political activity and controlling the media. In May 2012 the Committee to Protect Journalists (CPJ)

reported that the government-controlled Pakistan Electronic Media Regulation Authority (PEMRA) sent broadcasters a media advisory with the names of 40 banned organizations. The television stations were not to give them any coverage, including conducting interviews with their leaders. PEMRA also asked channels to stop broadcasting political satires and parodies of political leaders.

There were numerous independent English, Urdu, and regional-language daily and weekly newspapers and magazines. To publish within Azad Kashmir, owners of newspapers and periodicals had to obtain permission from the Kashmir Council and the Ministry of Kashmir Affairs. The Ministry of Information and Broadcasting controlled and managed the country's primary wire service, the Associated Press of Pakistan, the official carrier of government and international news to the local media. The military had its own media-monitoring wing within Inter Services Public Relations, the military's public relations department. The government-owned and -controlled Pakistan Television and Pakistan Broadcasting Corporation operated radio stations throughout the country. The law does not extend to the FATA or PATA, and it allowed independent radio stations to broadcast in the FATA with the permission of the FATA Secretariat.

There were instances in which the government shut down private television channels and blocked certain media outlets from broadcasting. The broadcasters asserted that the broadcast laws were vague, leading to instances of abuse and arbitrary broadcast restrictions by PEMRA. The NGO Intermedia reported that Pakistan Television did not operate under the purview of the law and benefitted from a monopoly on broadcast license fees. According to Freedom House, authorities used the PEMRA rules to silence the broadcast media, by either suspending licenses or threatening to do so.

Private cable and satellite channels broadcast domestic news and were critical of the government, despite some self-censorship. Private radio stations existed in major cities, but their licenses prohibited news programming. Some channels evaded this restriction by discussing news in talk shows. International radio broadcasts, including the BBC and the Voice of America, were normally available. There was complete blockage of Indian television news channel transmissions.

**Violence and Harassment:** During the year security forces, political parties, militants, and other groups subjected media outlets, journalists, and their families to violence and harassment. Journalists were abducted. Media outlets that did not practice self-censorship were often the targets of retribution.

According to the CPJ, seven journalists were killed during the year for reporting on sensitive topics. Reporters Without Borders reported seven journalists killed and one media assistant imprisoned. A number of journalists also reportedly were subjected to physical attack, harassment, intimidation, kidnapping, or other forms of pressure during the year. The CPJ included the country in its annual “impunity index” because the government allowed deadly violence against members of the press to go unpunished.

On August 22, Baloch journalist Abdul Razzaq’s mutilated body was found in Karachi. He was missing since March before family members identified his corpse. According to media reports, Razzaq’s face was disfigured beyond recognition and his body displayed torture marks. On October 10, three unidentified men attacked Sardar Shafique, a senior reporter from the Urdu daily *Itehad*, after he left his office in Abbottabad. The assailants allegedly beat Shafique with iron rods, leaving him critically injured. According to media reports, the attackers’ motives remained unknown. On October 11, two unidentified assailants killed *Karak Times* journalist Ayub Khattak outside of his home for investigating the drug trade. On October 21, journalists staged a rally in Abbottabad and demanded that police locate and arrest the culprits.

Censorship or Content Restriction: Small, privately owned wire services and media organizations generally practiced self-censorship, especially in news reports involving the military. Private cable and satellite channels also practiced self-censorship at times. The government restricted and censored some published material, while blasphemy and anti-Ahmadi laws restricted publication on certain topics. Foreign books needed to pass government censors before they were reprinted, but there were no reports of book bans during the year. Books and magazines could be imported freely but were subject to censorship for objectionable sexual or religious content. Obscene literature, a category the government defined broadly, was subject to seizure.

In early August 2012 the Supreme Court ordered PEMRA to take measures to stop “obscenity” on television channels. The court issued the order while hearing two petitions filed by former judge Wajihuddin Ahmed and former JI chief Kazi Hussain Ahmed against obscenity in electronic media. The court also directed PEMRA to define the term “obscenity” in the Pakistani context. On September 17, the Islamabad High Court summoned PEMRA Chairman Chaudhry Rashid in order to inquire about the actions PEMRA took to prevent television channels from broadcasting offensive content. At the end of the hearing, Justice Shaukat Aziz

Siddiqui complained about PEMRA's failure to stop news channels from broadcasting controversial content.

**Nongovernmental Impact:** Throughout the country, militants and criminal elements killed, kidnapped, beat, and intimidated journalists and their families, leading many to practice self-censorship. A number of reporters covering the conflict in the FATA, KP, and Balochistan were detained, threatened, expelled, or otherwise prevented from covering events there by militant or local tribal groups. In several instances militants attacked journalists' homes in retaliation for their reporting.

## Internet Freedom

There were reports of some restrictions on internet access and reports that the government monitored internet use, some e-mail, and internet chat rooms. Since 2012 the government has implemented a systematic nationwide content monitoring and filtering system that restricts or blocks "unacceptable" content, including material that is un-Islamic, pornographic, or critical of the state and military. According to Freedom House, the government justified politically motivated restrictions on internet freedom as necessary for security purposes. There were also reports that the government attempted to control or block some websites, including extremist and proindependence Baloch sites. In its 2013 *Freedom in the World Report*, Freedom House claimed this trend affected websites as well as mobile telephone content. The provincial government in Balochistan blocked access to a Baloch human rights blog run by journalists. Several Baloch websites were blocked by the government, including the English website "The Baloch Hal" and the website of *Daily Tawar*, a Balochistan-based newspaper.

The Prevention of Electronic Crimes Ordinance, the Electronic Transaction Act, and other laws cite a number of offenses involving the misuse of electronic media and systems and the use of such data in other crimes. The act also stipulates that cyber-terrorism resulting in a death is punishable by the death penalty or life imprisonment.

According to an August 22 article in *The Nation*, the Ministry of Information Technology created a mechanism to filter and remove objectionable content from the internet in a bid to restore user access to YouTube and other banned websites. In October Information Minister Pervaiz Rasheed revealed that the government decided in principle to restore YouTube, however the site remained inaccessible to Pakistani users.

The Pakistan Telecommunications Authority (PTA) is responsible for the establishment, operation, and maintenance of telecommunications and has complete control of all content broadcast over telecommunication channels. In 2011 the PTA ordered internet service providers to report if customers were using virtual private networks (VPNs) and voice-overinternet protocol (VOIP) to browse the internet or communicate. The PTA insisted that the ban on VPN access was intended to shut down illegal call centers and enable authorities to monitor potentially criminal behavior. Even though a ban was called for, at year's end, VPNs and VOIP were both accessible.

There were restrictions on internet traffic during the year. The government continued its 2012 denial of access to BuzzFeed and restricted access to other social websites.

Internet usage is limited in the country, with approximately 20 million users, according to government statistics.

### **Academic Freedom and Cultural Events**

The government generally did not restrict academic freedom. Members of student organizations, typically with ties to political parties, however, fostered an atmosphere of violence and intolerance that limited the academic freedom of fellow students. On some university campuses in Karachi and Lahore, armed groups of students, most commonly associated with the All Pakistan Mutahidda Students Organization (affiliated with the Muttahida Qaumi Movement) and the Islami Jamiat Talaba (affiliated with JI) clashed with and intimidated other students, instructors, and administrators over issues such as language, syllabus content, examination policies, grades, doctrine, and dress. These groups frequently influenced the hiring of staff, admissions to universities, and sometimes the use of institutional funds. They generally achieved such influence through a combination of protest rallies, control of campus media, and threats of mass violence. In response university authorities prohibited political activity on many campuses, but the ban had limited effect. JI also influenced the leadership of International Islamic University in Islamabad to prevent co-gender educational or extracurricular activities on campus.

In addition to public schools, there was a large network of madrassahs under the supervision of five major governing bodies. These schools varied in the curriculum, with a focus on Islamist texts.

There was minor government interference with art exhibitions or other musical or cultural activities. The Ministry of Culture operated the Central Board of Film Censors, which previewed and censored sexual content and any content that glorified Indian heroes, leaders, or military in foreign and domestic films.

### **b. Freedom of Peaceful Assembly and Association**

The law provides for freedom of assembly and freedom of association, subject to restrictions.

#### **Freedom of Assembly**

Although the constitution provides for freedom of assembly, the government placed restrictions on it. By law district authorities may prevent gatherings of more than four persons without police authorization. The law permits the government to ban all kinds of rallies and processions, except funeral processions, for reasons of security.

Authorities generally prohibited Ahmadis from holding conferences or gatherings.

There were several successful protests, strikes, and demonstrations throughout Sindh, both peaceful and violent. Law enforcement agencies did not have the capacity to intervene and prevent these gatherings.

#### **Freedom of Association**

The constitution provides for freedom of association subject to restrictions imposed by law. There were more than 100,000 NGOs working in the country; however, due to the fragmented legal and regulatory framework, the exact number of NGOs was not known.

Threats to civil society continued, with “softer targets” such as schools more frequently becoming a focus of attacks. According to media reports, three militants attacked a Shia mosque in Peshawar on June 21. A suicide bomber successfully detonated his bomb inside the mosque compound, killing at least 14 persons and injuring another 28. Police later arrested two TTP militants who participated in the attack.

According to a May 2012 report by the Pakistan Humanitarian Forum, between 2009 and the report’s release, militants and criminals killed at least 19 aid workers and abducted more than 20. In many parts of the country, female NGO workers were accused of not observing cultural norms, such as not wearing veils, encouraging other women to work outside the home, and working alongside male colleagues.

### c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement and for uninhibited foreign travel, emigration, and repatriation, but the government limited these rights.

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, and other persons of concern.

**In-country Movement:** Government restrictions on access to certain areas of the FATA, KP, and Balochistan, often due to security concerns, hindered the ability of humanitarian assistance providers to deliver aid to vulnerable populations.

**Foreign Travel:** The law prohibits travel to Israel, and the country’s passports include a statement that they are “valid for all countries except Israel.” Government employees and students must obtain “no objection certificates” from the government before traveling abroad. Authorities rarely enforced this requirement for students.

Persons on the Exit Control List were prohibited from foreign travel. Although the list was intended to prevent persons with pending criminal cases from traveling abroad, the Ministry of Interior added names of other persons such as human rights activists or leaders of nationalist parties. Those on the list had the right to appeal to the courts for removal of their names.

### Internally Displaced Persons (IDPs)

While there are no laws to protect IDPs the government assisted some of them.

Both natural disaster and conflict caused displacement in the country. The National Disaster Management Authority reported that approximately 1.5 million persons were displaced due to monsoon floods across the country during the year.

As of August approximately one million persons originating from KP and the FATA remained displaced, according to the UNHCR. Significant numbers of displaced families, however, remained unregistered and uncounted because of restrictive government registration procedures, according to the Internal Displacement Monitoring Center (IDMC). Registration of women was a particular problem; in more conservative regions of the country, particularly rural areas, authorities did not uphold or enforce a woman's right to be registered.

The number of IDPs fluctuated due to militant activity and military operations. The vast majority of conflict-affected IDPs resided with host families, in rented accommodations, or to a lesser extent in camps. As of September the Jalozi camp in Nowshera District of KP, with 56,699 persons, hosted the largest in-camp conflict-affected IDP population,. In addition, the Togh Serai camp in KP hosted 5,366 persons, and the New Durrani camp in FATA hosted 16,487 persons, mostly originating from Khyber Agency. About two-thirds of the IDPs in host communities lived below the poverty line and struggled to access public services, the IDMC reported. Large numbers of unregistered IDPs were ineligible for government-supported assistance. In some areas, about half of the IDP population had been displaced four years or longer, the IDMC reported.

The government required humanitarian organizations assisting civilians displaced by military operations to request no objection certificates (NOCs) to access Mohmand and Kurram agencies in the FATA. According to humanitarian agencies and NGOs, the NOC process was cumbersome. The government maintained IDP camps inside and near the FATA agencies where military operations took place despite access and security concerns raised by humanitarian agencies. Humanitarian agency workers providing assistance in the camps were exposed to the danger of travelling to and within the FATA. There were a number of security incidents in the Jalozi and Togh Sarai camps during the year. UN agencies maintained access to the camps and the affected areas mainly through local NGOs.

The government facilitated voluntary returns to multiple agencies with support from the international humanitarian community. As of August nearly 12,900 IDPs returned to their homes.

There were no reports of involuntary returns. Although government authorities encouraged IDPs to return home rapidly, the vast majority of displaced families were unable or unwilling to go home. This was because of what many families regarded as inadequate compensation and assistance for returnees, persistent insecurity, and damaged housing. For IDPs who were unwilling or unable to return, the government coordinated support with the UNHCR and other international organizations. The World Food Program distributed food rations to IDPs displaced by conflict and also provided rations to IDPs for six to nine months upon their return to areas of origin.

## **Protection of Refugees**

The country is a party to neither the 1951 UN Convention relating to the Status of Refugees nor its 1967 Protocol.

Access to Asylum: No legislation provides for asylum or refugee status. The country lacks a legal and regulatory framework for the management of refugees and migration. Although asylum seekers and refugees are not excluded from the provisions of the law regarding illegal entry and stay, the government in most cases provided protection against the expulsion or involuntary repatriation of registered refugees to countries where their lives or freedom would be threatened. The country cooperated with the UNHCR in protecting, assisting, and voluntarily repatriating Afghan refugees.

Since 1979 the government has provided temporary protection to millions of refugees from Afghanistan. At year's end, the UNHCR estimated 1.6 million registered Afghan refugees remained in the country. There were three operational Voluntary Repatriation Centers in the country; a fourth center in Bannu closed in August 2012 due to security concerns. There were no credible estimates of how many Afghans were undocumented or unregistered, but estimates put the number at more than one million. The Ministerial Committee on Refugees adopted measures to document unregistered Afghans and to provide them with identification cards. The law states anyone born in the country is a citizen. The courts' interpretation of this law; however, was that the principle of birth in the country could not be read in isolation and independently of the other sections of the act concerning citizenship by descent in the case of the children of Afghan

refugees. The courts decided that due to the “temporary” nature of Afghans’ presence in the country, the law would not apply to the Afghan population, and Afghan children therefore were not granted Pakistani citizenship. Under the Secure Card for Afghan Citizens project, the National Database and Registration Authority (NADRA) issued birth certificates to 790,000 Afghan children under the age of 18 during the year, identifying them as Afghan citizens.

The proof of registration (PoR) cards – the official documents held by registered refugees that allowed them to remain legally in the country – were to expire in December 2012, but the prime minister extended their validity until June 30. The government extended the validity of PoR cards as well as the Tripartite Agreement between the governments of Pakistan and Afghanistan and the UNHCR to consult on and resolve refugee problems to the end of December 2015 through a cabinet decision on July 25. On August 15, the cabinet announced the formation of a ministerial committee, headed by the Ministry of States and Frontier Regions, which is charged with overseeing the implementation of the “National Policy on Management and Repatriation of Afghan Refugees Beyond 30 June 2013.” The extension of the PoR cards through 2015 and the new policy were viewed as a commitment to respect voluntary repatriation. On the other hand, harassment by local authorities, including police, increased because of the uncertainty associated with the possible expiration of PoR cards on June 30.

The government generally abstained from forcibly returning Afghans with PoR cards, and during the year the UNHCR received reports of only six deportations of PoR cardholders, who reportedly returned and joined their families in Pakistan after their deportation. According to the UNHCR, during the year the government deported a total of 2,100 unregistered Afghan nationals.

Less than half of registered Afghan refugees lived in 76 refugee villages in KP (65), Balochistan (10), and Punjab (one). Nearly 63 percent of registered Afghans lived in urban areas. Approximately 56 percent of this population came from five provinces in Afghanistan: Nangarhar, Kabul, Kunduz, Logar, and Paktya.

**Refugee Abuse:** Police in many cases demanded bribes from refugees. There were first-hand accounts of members of the intelligence services harassing refugees. There were also many reports of extortion of refugees who participated in the UNHCR’s voluntary repatriation process and received repatriation grants. These equaled approximately 21,260 rupees to 26,575 rupees (\$200-\$250), depending on the length of the journey, in cash assistance per family member, upon return to Afghanistan.

Refugees faced societal discrimination and abuse from local communities, whose members resented economic competition and blamed refugees for high crime rates and terrorism. Single women, woman-led households, and children working on the streets were particularly vulnerable to abuse and trafficking.

Afghan refugees fell victim to unlawful actions by law enforcement throughout the country. The local police in KP and Balochistan rounded up Afghans, particularly after attacks against the Hazara Shia community in Balochistan on February 23. The UNHCR recorded the arrest of 812 Afghan PoR cardholders (212 of whom were released from courts while 600 were released from police stations before they were officially charged).

Employment: Refugees were not allowed to work legally, but many worked as day laborers or in informal markets. Refugees often were exploited in the informal labor market. Refugee women and children were particularly vulnerable, accepting underpaid and undesirable positions in workplaces.

Access to Basic Services: Afghan refugees could avail themselves of the services of police and courts, but some, particularly the poor, were afraid to do so. Any refugee registered with both the UNHCR and the government-run “Commissionerate” of Afghan Refugees was, in theory, able to obtain admission to public education facilities after filing the proper paperwork. Most registered Afghans attended private Afghan schools or schools sponsored by the international community. There were no reports officials denied refugees access to a health facility because of their nationality.

In many instances local governments or even individuals determined which rights and services Afghan refugees could use. For example, the government did not formally allow refugees to open bank accounts, and only one bank commonly worked with refugees. In these cases NADRA regularly verified the identity of refugees who wished to open bank accounts.

There were a number of Afghan private schools, including those funded by foreign assistance, but Afghan children usually were able to attend the country’s primary schools. For older students, particularly in cities, access to education remained difficult. Even Afghans who grew up in the country needed a student visa to attend universities, but they qualified for student visas on the basis of their PoR cards.

Durable Solutions: The Refugee Affected and Hosting Areas Initiative is a joint initiative among the government, UN, and implementing partners under the framework of UN reforms in Pakistan. More than 1,400 projects have been completed since 2009, mainly in the provinces of Balochistan and KP. These provinces were home to high concentrations of Afghan refugees. The government extended the initiative to the entire country during the year. For the mainstreaming of refugee programs in the development and annual programs of UN agencies, the UNHCR has signed memoranda of understanding with UN Educational, Scientific and Cultural Organization, the World Health Organization, UNICEF, and the UN Entity for Gender Equality and the Empowerment of Women to strengthen partnerships in finding durable solutions for Afghan refugees.

The government did not accept refugees for resettlement from other countries or facilitate local integration. While the government did not have a system to confer refugee status or asylum, it generally abstained from forcibly returning foreigners with asylum certificates or refugee cards granted by the UNHCR, which had the responsibility of determining refugee status in the absence of government procedures.

### **Stateless Persons**

Statelessness continued to be a problem. There is no national legislation on statelessness, and the government does not recognize the existence of stateless persons. International and national agencies estimated there were possibly thousands of stateless persons deriving from the breakup of India and Pakistan, and of Pakistan and Bangladesh.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides the majority of citizens with the right to change their government peacefully. The country held national and provincial elections in May; however, Gilgit-Baltistan, Azad Kashmir, and the FATA have different political systems. Of these areas, only the FATA had representation in the national parliament.

Residents of the FATA are represented in the national parliament but do not have a voice in federal decision making over the tribal areas, an authority that belongs to the president. Tribal residents do not have the right to change their local government, because unelected civilian bureaucrats nominally ran the tribal

agencies. The elected councils in the FATA, set up to provide local representation within the tribal areas, did not have an active role in governing the tribal areas. In 2011 President Zardari signed the Extension of the Political Parties Order 2002 to the Tribal Areas. Through this decree, the government allows political parties to operate freely in the FATA. Political observers credited this order with laying the foundation for a more mature political system in the tribal agencies. In the May elections, voter turnout was low in some tribal agencies where military operations were a common occurrence. Some IDPs had difficulty casting their vote because of security concerns.

“Azad” or free Kashmir has an interim constitution, an elected unicameral assembly, a prime minister, and a president elected by the assembly. Both the president and legislators serve five-year terms. Of the 49 assembly seats, 41 are filled through direct elections and eight are reserved seats (five for women and one each for representatives of overseas Kashmiris, technocrats, and religious leaders). The federal government exercised considerable control over the structures of government and electoral politics. Its approval is required to pass legislation, and the federal minister for Kashmir affairs exercised significant influence over daily administration and the budget. The Kashmir Council, composed of federal officials and Kashmiri assembly members and chaired by the federal prime minister, also holds some executive, legislative, and judicial powers. The military retains a guiding role on issues of politics and governance. Those who do not support Azad Kashmir’s accession to Pakistan were barred from the political process, government employment, and educational institutions. They also were subjected to surveillance, harassment, and sometimes imprisonment by security services.

## Elections and Political Participation

Recent Elections: On May 11, the country held national parliamentary elections that resulted in the PML-N receiving a considerable majority to lead the new government. Prime Minister Nawaz Sharif replaced the PPP’s Raja Pervaiz Ashraf in June. On September 9, Mamnoon Hussain replaced Asif Ali Zardari as president.

For the May elections, the Election Commission of Pakistan (ECP) reportedly accredited approximately 43,000 domestic observers, the majority of whom were from the Free and Fair Election Network (FAFEN). The EU, Democracy International, the Aurat Foundation, and the National Democratic Institute (NDI) were among the many groups that observed the election. The government

permitted all existing political parties to contest the elections. Although several boycotted, the largest parties participated. In general election observers considered the May elections a success, despite terrorist violence and some procedural problems. Voter turnout was high with the chief election commissioner initially claiming on May 11 that 60 percent of eligible voters participated in the elections. The International Foundation for Electoral Systems (IFES), reported a 54 percent voter turnout, and Gallup Pakistan indicated a 55 percent turnout. Political analysts credited the increase in women and young adult voters for the high turnout rate. While most observers agreed the elections marked a democratic milestone, as the first time since independence in 1947 one elected government peacefully completed its five-year term and transferred power to another civilian government, some independent observers and political parties raised concerns about some election irregularities. In the August 22 by-elections for 42 contested national and provincial seats, voter turnout, including women's participation, was much lower. NGOs and researchers attributed this to a lower level of interest than in the May 11 general elections. In one district (Dera Ismail Khan), polling was ultimately postponed for security reasons, so only 41 seats were contested.

IFES noted formal adjudication of challenges of disputed election results was weak and that the high courts did not meet statutorily prescribed deadlines for adjudication in the majority of cases.

Political Parties: There were few restrictions on political parties. In most areas there was no interference with the rights to organize, run for election, seek votes, or publicize views. In Balochistan there were reports security agencies and separatist groups harassed local political parties, such as the Balochistan National Party and the Balochistan Student Organization.

Participation of Women and Minorities: While no laws prevent women from voting, cultural and traditional barriers in tribal and rural areas impeded some women from voting. There are 60 seats in the National Assembly reserved for women. The reserved seats were apportioned on the basis of total votes secured by the candidates of each political party contesting elections. Of the 758 seats in provincial assemblies, 129 were reserved for women. One-third of the seats in local councils were reserved for women. Women participated actively as political party members, but in some cases, were not always successful in securing leadership positions within parties, with the exception of the women's wing. There were women serving in the federal cabinet, including Minister of State for Information Technology and Telecommunications Anusha Rehman Khan and

Minister of State for National Health Services, Regulations, and Coordination Saira Afzal Tarar.

In the August 22 by-election in Mianwali, Punjab, there were media reports that women faced problems voting. In addition the districts of Nowshera and Lakkhi Marwat withheld final polling results after tribal elders prevented women from voting there. On August 27, the Peshewar High Court ordered that elections take place in these two districts.

The government required voters to indicate their religion when registering to vote. To register to vote, the government required Ahmadis to declare themselves as non-Muslims. Ahmadis consider themselves Muslims, and as a result the community was unable to vote.

The constitution reserves four seats in the Senate for religious minorities, one for each of the four provinces. These seats are filled through indirect elections held in the provincial assemblies. Ten national assembly seats are reserved for members of religious minorities. The seats are apportioned to parties based on the percentage of seats each won in the assembly. Under the law minorities held 23 reserved seats in the provincial assemblies: eight in Punjab, nine in Sindh, three in KP, and three in Balochistan.

Women and minorities are allowed to contest for unreserved seats.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices. Corruption was pervasive in politics and government, and various politicians and public office holders faced allegations of corruption, including bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement.

Corruption: Corruption within the lower levels of police was common. A 2010 survey by Transparency International noted the major cause of corruption was lack of accountability, followed by low salaries. Some police charged fees to register genuine complaints and accepted bribes for registering false complaints. Bribes to avoid charges were commonplace. Critics charged that appointments of station house officers were politicized.

Anecdotal reports persisted about corruption in the judicial system, including reports of small-scale facilitation payments requested by court staff. Lower-court judges lacked independence, and superior court judges sometimes pressured them on how to decide a case. Lower courts remained corrupt, inefficient, and subject to pressure from prominent wealthy, religious, and political figures. Government involvement in judicial appointments increased the government's control over the court system.

In June 2012 the newspaper *New York Times* reported prominent businessman Malik Riaz accused Chief Justice Iftikhar Chaudhry's son, Arsalan Iftikhar, of receiving cash kickbacks and money for trips to London and Monte Carlo in return for favorable treatment to Riaz in cases related to his real estate business.

Subsequently, the government established the Suddle Commission to investigate the case. In December 2012 the Supreme Court dissolved the Suddle Commission and ordered that its report findings be publically available.

The NAB serves as the highest-level anticorruption organization, with a mandate to eliminate corruption through awareness, prevention, and enforcement. The NAB chairmanship was vacant after the Supreme Court ruled on May 28 that former NAB Chairman Fasih Bokhari's appointment was illegal. The lack of leadership severely hampered the NAB's ability to initiate and complete investigations. The PML-N government and the opposition failed to appoint a new NAB chairman after September 6 discussions on the matter faltered. During a September 14 hearing, Chief Justice Chaudhry expressed his concern about the lengthy delay and warned the government it would "face consequences" if the post was not immediately filled. On October 10, the government appointed federal interior secretary Major (ret.) Chaudhry Qamar Zaman as the new NAB chairman.

The 2007 National Reconciliation Ordinance (NRO), promulgated under former president Musharraf, provided an amnesty mechanism for public officials who were accused of corruption, embezzlement, money laundering, murder, and terrorism between January 1, 1986, and October 12, 1999. In 2009 the Supreme Court declared the NRO null and void and reopened all 8,000 cases against those who received amnesty, including the president, ministers, and parliamentarians. In 2010 the Zardari government filed a review petition challenging the Supreme Court's 2009 decision and requesting its review. In 2011 the Supreme Court dismissed the government's review petition, upholding its earlier decision finding the NRO null and void. In November 2012 the government complied with an NRO-related directive instructing it to send a letter to the Swiss authorities seeking mutual legal assistance over alleged illicit funds that had been expatriated from

Pakistan. Subsequently, the Supreme Court dismissed its review petition of Prime Minister Raja Pervaiz Ashraf. Zardari lost his immunity when Mamnoon Hussain was sworn into office on September 9, allowing the government to reopen corruption cases against him. On October 11, an accountability court reopened the five corruption cases lodged against Zardari with the NAB leading the prosecution. The accountability court directed him to appear at an October 29 hearing. The legal proceedings continued at year's end.

**Whistleblower Protection:** No federal law provides protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality, such as the solicitation of bribes or other corrupt acts. On August 13, KP promulgated the Right to Information Ordinance (RTIO), providing protection to whistleblowers for the first time in the country's history. The RTIO states that no one may be subject to any legal, administrative, or employment related sanction for releasing information on wrongdoings as long as they acted in good faith.

**Financial Disclosure:** The country has many laws regarding the disclosure of assets and liabilities of civil servants and elected officials. According to the 1976 Representation of People Act and the 1964 Government Servants Conduct Rules, members of parliament and civil servants must declare their assets. Ministers are also regulated by the Representation of People Act and are obligated to declare their assets as well as the assets and liabilities of their spouses and dependent children. Failure to disclose this information may lead to their disqualification from public office for ten years. The head of state, in contrast, is not required to declare his or her income and assets. The assets of judges, generals, and high-level officials are often concealed from the public.

Under the Efficiency and Disciplinary Rules of 1973, an official must face an inquiry if accused of corruption or financial irregularities. If the inquiry results in a derogatory finding, the accused official faces criminal charges under the National Accountability Ordinance. Under the National Accountability Ordinance, a person convicted of corruption faces a prison term of up to 14 years, a fine, or both. The government may appropriate any money, property, or other assets obtained by corrupt means. The NAB leads the government's anticorruption efforts.

According to the Representation of People's Act, political parties and politicians must file annual financial accounting reports and declare their assets and liabilities. This provision has never been fully implemented and is often disregarded by lawmakers. It is the duty of the ECP to assure that political parties and politicians

make their financial information publically available; however, politicians and political parties generally failed to make this information available in a timely manner. On October 22, the ECP disqualified 26 parliamentarians and members of the provincial assemblies for failing to declare their financial assets. The ECP also reported that at least five federal ministers failed to report their assets.

Public Access to Information: The law allows any citizen access to public records held by a public body of the federal government, including ministries, departments, boards, councils, courts, and tribunals. It does not apply to government-owned corporations or provincial governments. Bodies subject to the law must respond to requests for access within 21 days. Certain records are restricted from public access, including classified documents, those deemed harmful to a law enforcement case or an individual, or those that would cause grave and significant damage to the economy or the interests of the nation. NGOs criticized the ordinance for having too many exempt categories and for not encouraging proactive disclosure.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Other groups that reported on problems implicating the government, military, or intelligence services faced restrictions on their operations. Very few NGOs had access to KP, the FATA, and some areas in Balochistan. While officials were sometimes cooperative, they were only somewhat responsive to these groups' views. The government delayed or blocked issuance of visas to international staff members of organizations whose work it felt might tarnish the image of the government. There were also reports security agencies blocked the issuance of visas for international staff members due to concerns about their activities and links to foreign governments.

Security threats were a problem for NGO workers due to the instability in the FATA and KP, and organizations that promoted women's rights faced particular challenges.

UN and Other International Bodies: A September 2012 UN Working Group on Enforced or Involuntary Disappearances conducted a fact-finding mission in the country. The mission was of symbolic importance, but the group faced difficulty in meeting several relevant government stakeholders.

Government Human Rights Bodies: The Senate and National Assembly Standing Committees on Law, Justice, Minorities, and Human Rights held hearings on a range of problems, including honor crimes, police abuses in connection with the blasphemy law, and the Hudood Ordinance. The committees served as useful forums in which to raise public awareness of such problems, but their final conclusions generally adhered to government policy. The committees did not do more than conduct broad oversight. The Parliamentarians' Commission for Human Rights, an interparty caucus of parliamentarians, lobbied for reform in several areas.

In May 2012 President Zardari signed the National Commission for Human Rights Bill authorizing the establishment of a potentially independent and powerful entity, the Human Rights Commission; however, the government has not yet constituted the commission or released information regarding its efforts to establish the new body.

In August the government merged the Ministry of Human Rights and the Ministry of Law and Justice to create the Ministry of Law, Justice, and Human Rights. This merger was part of a larger government ministerial streamlining effort. Civil society groups lobbied the new government to reestablish an independent ministry of human rights; however, its status remained unchanged at year's end.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution provides for equality for all citizens and broadly prohibits discrimination based on race, religion, caste, residence, or place of birth; however, there was significant discrimination based on each of these factors.

### **Women**

Rape and Domestic Violence: Rape is a criminal offense, with punishment that ranges from a minimum of 10 to 25 years in prison and a fine to the death penalty. The penalty for gang rape is death or life imprisonment, but sentences were often less severe. Although rape was frequent, prosecutions were rare. Spousal rape is not a crime.

As in previous years, the government's enforcement of the Women's Protection Act of 2006 was poor. The act brought the crime of rape under the jurisdiction of criminal rather than Islamic courts. By law police are not allowed to arrest or hold

a female victim overnight at a police station without a civil court judge's consent. The law requires a complaint to be made directly to a sessions court, a trial court for heinous offences. After recording the victim's statement, the sessions court judge officially lodges a complaint, after which police may then make arrests. While this procedure was meant to eliminate abuses relating to social norms that make it difficult for women to seek legal redress from police, NGOs reported that it created other barriers for rape victims who could not afford to travel to the courts or access the courts. Rape was a severely underreported crime due to societal taboos that prevented persons from speaking about it.

September 14 media reports of four men gang raping a five-year-old girl in Lahore sparked national outrage. On September 12, the girl went missing from her home. A security guard discovered her mutilated, beaten body outside of a hospital the following day. According to local authorities, the victim's assailants repeatedly and brutally raped her before dumping her body. Police arrested one of the alleged perpetrators on September 15. The case garnered attention at the highest government levels, with the Punjab inspector general reportedly keeping Prime Minister Sharif apprised of police efforts to apprehend the remaining suspects.

In 2010 the FSC declared several clauses of the Women's Protection Act unconstitutional and unconstitutional. The verdict sought to reinstate certain provisions of the 1979 Hudood Ordinance and expand the FSC's jurisdiction in cases of adultery and false accusations of adultery. The FSC directed its judgment to the federal government as well as the provincial and Islamabad high courts for implementation. In 2011 the federal government appealed the FSC's decision to the Supreme Court, which had yet to set a hearing date by year's end. In September the nongovernmental Council of Islamic Ideology, which advises parliament and the prime minister, rejected the Women Protection Act, saying it was contrary to the spirit of the Koran and sharia. On December 30, the country appointed a female judge to the FSC for the first time.

There were no reliable national, provincial, or local statistics on rape due to underreporting and a lack of any centralized law enforcement data collection system. Based on media reports, however, the Aurat Foundation estimated 4,283 women were raped between 2008 and 2012, with 822 rapes and gang rapes in 2012. According to a September 17 *The Express Tribune* article, more than 600 rape cases were registered with the Ministry of Justice and Human Rights since 2011. Punjab had the highest number of registered cases with 460, while Sindh recorded six cases. Balochistan and Punjab each had six cases, and KP had none. There were more than 3,200 rape cases reported during this two-year period.

According to the article, the slow legal process kept the conviction rate for rape cases low.

According to the Aurat Foundation and others, prosecutions of reported rapes were rare. Police and NGOs reported that false rape charges sometimes were filed in different types of disputes, reducing the ability of police to identify legitimate cases and proceed with prosecution. NGOs reported police were at times implicated in rape cases. NGOs also alleged police sometimes abused or threatened victims, demanding they drop charges, especially when police received bribes from suspected perpetrators. Some police demanded bribes from victims before registering rape charges, and investigations were sometimes superficial. While the use of post-rape medical testing increased during the year, medical personnel in many areas did not have sufficient training or equipment, which further complicated prosecutions. Extrajudicial resolutions to rape accusations were common, with a victim often forced to marry her attacker.

Women's rights activist Farzana Bari stated that those who committed crimes against women generally enjoyed strong connections in society and were more powerful and resourceful than the victims. In many cases, the victim's family came under pressure and opted for an out-of-court settlement. Bari suggested that to discourage settlement of such cases, the offense against women or other citizens from vulnerable segments of society should be considered an offense against the state. According to Bari, if the state were to register such cases, the individual families would not be in a position to choose an out-of-court settlement, allowing for proper punishment of the offenders.

Rape by police also was a problem (see section 1.c.).

No specific law prohibits domestic violence, which was a widespread and serious problem. Husbands reportedly beat and occasionally killed their wives. Other forms of domestic violence included torture, physical disfigurement, and shaving the eyebrows and hair off women's heads. In-laws abused and harassed the wives of their sons. Dowry and family-related disputes often resulted in death or disfigurement by burning or acid.

According to the Aurat Foundation, the media reported 7,516 cases of violence against women in 2012 (the most recent year for which data are available), compared with 8,539 in 2011. These were the lowest statistics the Aurat Foundation reported in five years, possibly due to a decrease in case registrations and media coverage. The foundation's data showed that, among the abuses

registered, there were reports of 1,745 women killed, 1,607 abducted, 989 victims of domestic violence, 58 sexually assaulted, 83 victims of acid attacks, 71 victims of burning, 822 raped, and 575 as having committed suicide. The foundation attributed the reduction in reporting to a declining law and order situation in Sindh and Balochistan, making it difficult to access information.

Women who tried to report abuse faced serious challenges. Police and judges were sometimes reluctant to take action in domestic violence cases, viewing them as family problems. Instead of filing charges, police typically responded by encouraging the parties to reconcile. Authorities usually returned abused women to their abusive family members. Women were reluctant to pursue charges because of the stigma attached to divorce and their economic and psychological dependence on relatives. Relatives were hesitant to report abuse due to fear of dishonoring the family.

To address societal norms that disapprove of victims who reported gender-based violence and abuse, the government established women's police stations, staffed by female officers, to offer women a safe haven where they could safely report complaints and file charges. Men were also able to utilize these police stations. Women's police stations struggled with understaffing and limited equipment. Training for female police and changing cultural assumptions of male police also remained challenges. Due to restrictions on women's mobility and social pressures related to women's public presence, utilization of women's police centers was limited, but NGOs and officials reported use was growing and that more centers were needed.

The government operated the Crisis Center for Women in Distress, which referred abused women to NGOs for assistance. A total of 26 government-funded Shaheed Benazir Bhutto centers for women across the country provided women with temporary shelter, legal aid, medical treatment, and psychosocial counseling. These centers served women who were victims of exploitation and violence. Victims later were referred to a "darul aman" or a shelter house (approximately 200 centers for women and children who were victims were established with funds from the Provincial Women Development Department). These centers provided shelter, access to medical treatment, limited legal representation, and some vocational training. Many government centers lacked sufficient space, staff, and resources. In some cases women were abused at the government-run shelters and found their movements severely restricted, or were pressured to return to their abusers.

Harmful Traditional Practices: At times women were victims of various types of societal violence and abuse, including honor killings; facial, bodily, and genital mutilation; forced marriages; imposed isolation; and being used to settle disputes. Women often were treated as chattel, and perpetrators were often husbands and other male family members.

A 2004 law on honor killings and the Prevention of Antiwomen Practices Act 2011 criminalizes acts committed against women in the name of traditional practices. Despite these laws, hundreds of women reportedly were victims of honor killings. Many cases went unreported and unpunished. The Aurat Foundation reported 2,773 honor killings between 2008 and 2012 and estimated less than 2 percent of honor killings were reported. The practice of karo-kari or siyah kari – a premeditated honor killing that occurs if a family, community, tribal court, or jirga determines that adultery or some other “crime of honor” occurred – continued across the country. Karo-kari derives from “black male” (karo) and “black female” (kari), metaphoric terms for someone who has dishonored the family or is an adulterer or adulteress. Once a woman is labeled as a kari, male family members assume there is justification to kill her and any coaccused karo to restore family honor. In many cases the karo is not killed but is able to flee.

Human rights groups criticized the federal law banning honor killings because it allows the victim or the victim’s heirs to negotiate physical or monetary restitution with the perpetrator in exchange for dropping charges. On June 25, *Dawn* reported a mother and her two daughters were shot and killed in their home during an honor killing. According to police, the attack was motivated by a video of the girls playing in the rain. The mother’s stepson allegedly considered the video to be an “assault on the honor of his family,” and he killed the three women in an attempt “to restore the family’s honor.”

On September 16, a jirga council in KP ordered the death of a 22-year-old woman after it judged her guilty of “illicit relations.” According to media reports, she was shot and killed along with two older female relatives who assisted her attempt to flee her husband and elope with another man. Police eventually arrested two suspects linked to the honor killing.

On April 28, a woman’s family severely injured her and killed her husband in an honor killing attack in Nowshera. The victim’s decision to elope and marry without her parents’ consent motivated the attack. Five of her male relatives carried out the honor killing. Police filed a case against the suspects, but all five men were able to escape following the attack.

Police in Sindh established karo-kari cells with a toll-free telephone number in the districts of Sukkur, Ghotki, Khairpur, and Nausharo Feroze for persons to report karo-kari incidents. Because honor crimes generally occurred within families, many went unreported. Police and NGOs reported, however, that increased media coverage enabled law enforcement to take some action against a limited number of perpetrators.

The practice of cutting off a man's or a woman's nose or ears, especially in relation to honor crimes, was reported.

Many young girls and women were victims of forced marriages arranged by their families. Although forced marriage is a criminal offense and many cases were filed, prosecution remained a problem. There were reports of citizens abroad bringing their daughters back to the country, taking away their legal documents, and forcing them into marriage against their will.

The practice of buying and selling brides also continued in rural areas, although prohibited by law. Many tribes, communities, or families practiced sequestering women from all contact with men other than their relatives. Despite prohibitions on handing over women as compensation for crimes or as a resolution of a dispute (also known as "vani" or "swara"), the practice continued in Punjab and KP. In rural Sindh landowning families continued the practice of "marriage to the Koran," forcing a female family member to stay unmarried to avoid division of property. Property of women married to the Koran remained under the legal control of their fathers or eldest brothers, and such women were prohibited from contact with any man older than age 14. These women were expected to stay in the home and not contact anyone outside their families.

According to a September 6 report in *The Express Tribune*, police arrested seven men for allegedly engaging in "swara" to settle a feud between two men regarding an extramarital affair. A jirga resolved the dispute by marrying a 16-year-old girl to a male member within the aggrieved party's family. The girl attempted suicide in order to avoid the marriage but survived. The girl's father denied the swara allegations and claimed his daughter was "staging a drama." Police investigated the matter and the victim presented her case in court. The status of the case was ongoing at year's end.

The Senate passed the Prevention of Anti-Women Practice Amendment Act in 2011. The law criminalizes and punishes giving a woman in marriage to settle a

civil or criminal dispute; depriving a woman of her rights to inherit movable or immovable property by deceitful or illegal means; coercing or in any manner compelling a woman to enter into marriage; and compelling, arranging, or facilitating the marriage of a woman with the Koran, including forcing her oath on the Koran to remain unmarried or not to claim her share of an inheritance. The Senate also unanimously passed the Acid Control and Acid Crime Practice Bill 2010, which makes maiming or killing via corrosive substance a crime and imposes stiff penalties against perpetrators. As with other laws, these measures are not applicable to the FATA and PATA unless the president issues a notification to this effect.

A third bill, passed in 2011, provides for economic and other support to women in prison who were unable to defend themselves legally or post bail for lack of familial support and funds.

In March 2012 on International Women's Day, the president signed the National Commission on the Status of Women Bill into law, which accords the commission new financial and administrative autonomy and thereby better scope to investigate violations of women's rights.

NGOs and women's activists stressed that while these laws were positive steps, implementation remained a serious challenge.

**Sexual Harassment:** In 2010 two comprehensive laws, the Criminal Law Amendment Act 2010 and the Protection Against Harassment of Women at Workplace Act, were enacted to prevent and criminalize sexual harassment in the workplace and in the public sphere. In 2010 Musarrat Hilali was appointed the country's first federal ombudsman for protection against harassment of women at work. Since 2010 the office had received 139 cases; the office disposed of 130 cases and nine were under process. Under the law all provinces were to establish provincial-level ombudsmen. In July 2012 Sindh became the first province to appoint a provincial ombudsman to redress complaints relating to sexual harassment. On February 22, the Punjab government appointed former Kinnaird College (Lahore) Principal Mira Phailbus as a provincial ombudsman. Neither Balochistan nor KP had an ombudsman. Despite these measures, sexual harassment remained a widespread problem. Press reports indicated harassment was especially high among domestic workers and nurses.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of children but often lacked the information and means to do

so. Young girls and women were especially vulnerable to problems related to sexual and reproductive health and reproductive rights. They often lacked information and means to access care. According to a survey by the Women's Empowerment Group released during the year, only 25 percent of adolescents were aware of their sexual and reproductive rights. Spousal opposition also contributed to the challenges women faced in obtaining contraception or delaying pregnancy. Access by women, particularly in rural areas, to health and reproductive rights education remained difficult due to social constraints. For these same reasons data collection was also difficult.

According to the National Institute of Population Studies' *2012-2013 Demographic and Health Survey*, 27 percent of women received no prenatal care. The report showed a substantial improvement in the proportion of mothers receiving antenatal care over the prior 11 years, increasing from 43 percent in 2001 to 61 percent in 2007 to 73 percent during the year. The survey also revealed that skilled health-care providers delivered 52 percent of births and that 48 percent of births took place in a medical facility.

According to UNICEF's *2009 State of the World's Children Report*, the country's maternal mortality rate was 276 deaths per 100,000 live births, a rate attributed to lack of information and services. Women in rural areas were at twice the risk of dying of birth-related causes than women in urban areas (with maternal mortality rates of 319 and 175 deaths per 100,000 live births, respectively). The rate increased to 785 deaths per 100,000 live births in Balochistan Province. Few women in rural areas had access to skilled attendants during childbirth, including essential obstetrics and postpartum care. According to UNICEF, the situation for mothers and children in the country was complicated by deteriorating security, which caused displacement and affected access to medical services, especially in KP and the FATA.

According to a 2007 UN Population Fund estimate, only 17 percent of the country's women between the ages of 15 and 24 knew that a person could reduce HIV risk through condom use. Women were less likely than men to be diagnosed and treated for sexually transmitted infections due to the social stigma attached to visiting a doctor, among other factors. According to a UNAIDS 2009 report, the country had an estimated 98,000 HIV cases, of which approximately 28,000 were women age 15 or older; the National Aids Control Program estimated only 5 percent of cases were actually recorded. Although HIV prevalence among women was less than 1 percent, some groups of women, including wives of migrant workers, and prostitutes and girls forced into prostitution, were highly vulnerable.

**Discrimination:** Women also faced legal and economic discrimination. The law prohibits discrimination on the basis of sex, but authorities did not enforce it. Women faced discrimination in family law, property law, and the judicial system. Family law provides protection for women in cases of divorce, including requirements for maintenance, and lays out clear guidelines for custody of minor children and their maintenance. Many women were unaware of these legal protections or unable to obtain legal counsel to enforce them. Divorced women often were left with no means of support, as their families ostracized them. Women are legally free to marry without family consent, but women who did so frequently were ostracized or faced becoming the victims of honor crimes.

The inheritance law also clearly discriminates against women; however, the Anti-Women Practices Act, passed in 2011, makes it illegal to deny women inheritance of property by deceitful means. Female children are entitled to one-half the inheritance of male children. Wives inherit one-eighth of their husband's estate. Women often received far less than their legal entitlement.

Women faced significant discrimination in employment and frequently were paid less than men for similar work. In many rural areas of the country, strong societal pressure prevented women from working outside the home. Some tribes practiced sequestering women from all contact with men other than relatives.

## **Children**

**Birth Registration:** Citizenship is derived by birth in the country; however, for children born abroad after 2000, citizenship may be derived by descent if either the mother or the father is a citizen and the child is registered with the proper authorities (see section 2.d., Protection of Refugees, for an exception regarding Afghan refugees).

Reporting of births is voluntary, and records are not kept uniformly, particularly in rural areas where children are born at home. In lieu of a birth certificate, individuals often used school records attested to by the headmaster or principal of the school or matriculation certificates, both of which identify the father and the date of birth. NADRA issues identity documents, including birth certificates, and uses mobile teams to register children in rural areas. No estimate of the number of unregistered births was available. While the government reported more than 75 percent of the population was registered, actual figures may be lower. Public

services, such as education and health care, were available to children without a birth certificate.

Education: The constitution mandates compulsory education provided free by the government to all children between age five and 16. Government schools, however, often charged parents for the cost of books, uniforms, and other materials. Parents of lower economic means sometimes chose to send children to madrassahs, where they received free room and board, or to NGO-operated schools.

According to government estimates (2009-10), 58 percent of the population over age 10 was literate, with 45 percent of women literate, reflecting more limited educational access for girls. Many NGOs believed the actual percentages were much lower, particularly in rural and tribal areas. More than 40 percent of girls never enroll in school.

The most significant barrier to girls' education was the lack of access. Public schools, particularly beyond the primary grades, were not available in many rural areas, and those that existed were often too far away for a girl to travel unaccompanied. In addition, despite cultural beliefs that boys and girls should be educated separately after primary school, the government often failed to take measures to provide separate rest room facilities or separate classrooms, and there were more government schools for boys than for girls. The attendance rates for girls in primary, secondary, and postsecondary schools were lower than for boys across the board. In addition, certain tribal and cultural beliefs often prevented girls from attending schools.

Medical Care: Although boys and girls had equal access to government facilities, families were more likely to seek medical assistance for boys.

Child Abuse: Child abuse was widespread. Young girls and boys working as domestic servants were abused, beaten, and made to work long hours by employers, who in some cases were relatives. Many of them were trafficking victims. According to a 2011 article in *Dawn*, more than 170,000 children lived on the streets. Up to 90 percent were abused sexually on the first night they slept outside, and 60 percent accused police of sexually abusing them.

The penal code defines statutory rape as sexual intercourse with a girl younger than age 16. The punishment for rape is death or 10 to 25 years' imprisonment and a fine. Gang rape is punishable by death or life imprisonment.

There were no known limits on access of child IDPs to government services, although some civil society organizations demanded improvement in these services.

Forced and Early Marriage: Despite legal prohibitions, child marriages occurred. The law sets the legal age of marriage at 18 for men and 16 for women and prescribes punishment and fines, ranging from imprisonment up to a month, a fine of 1,000 rupees (\$10), or both. The penalties were too low to have any deterrent effect.

A World Population Foundation survey in 2009 found that 49 percent of women between the ages of 20 and 24 were married before the age of 18. In April 2012 the Family Planning Association of Pakistan estimated that child marriages made up 30 percent of marriages in the country. In rural areas poor parents sometimes sold their daughters into marriage, in some cases to settle debts or disputes.

Sexual Exploitation of Children: Child pornography is illegal under obscenity laws. Children were sold into prostitution. Socioeconomic vulnerabilities led to the sexual exploitation of children, including trafficking for sexual exploitation. Many children, including trafficking victims, were forced into begging at bus terminals and on the side of the road and were abused sexually and physically.

In Karachi and interior Sindh, there were cases of sexual abuse of children in madrassahs. In 2011 Sindh police raided a Deobandi madrassah on the outskirts of Karachi and discovered 68 captive boys, many of whom reported sexual abuse by the custodians of the madrassah.

Infanticide or Infanticide of Children with Disabilities: According to the Edhi Foundation, 480 dead infants were recovered during 2011, a decrease from 1,210 found during 2010. The death toll was greater among girls; nine of 10 dead infants were girls. Edhi reported up to 200 infants were left at its centers each year and that it handled thousands of requests for adoption by childless couples. By law anyone found to have abandoned an infant may be jailed for seven years, while anyone guilty of secretly burying a child may be imprisoned for two years. Murder is punishable by life imprisonment, but the crime of infanticide was rarely prosecuted.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-

specific information see the Department of State's report at <http://travel.state.gov/content/childabduction/english/country/pakistan.html>.

## **Anti-Semitism**

There were no known Jewish communities in the country. Anti-Semitic sentiments were widespread in the vernacular press.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

## **Persons with Disabilities**

The law provides for equality of the rights of persons with disabilities, but the provisions were not always implemented. After dissolution of the former Ministry of Social Welfare and Special Education in 2011, its affiliated departments, including the Directorate General for Special Education, National Council for the Rehabilitation of the Disabled, and National Trust for the Disabled, were handed over to the Capital Administration and Development Division. The special education and social welfare offices were devolved to the provinces and are responsible for protecting the rights of persons with disabilities.

In the provinces social welfare departments worked for the welfare and education of persons with disabilities. In Sindh the minister for bonded labor and special education is mandated to address the educational needs of persons with disabilities. At the higher-education level, special departments provided special education at Allama Iqbal Open University, the University of the Punjab, and Karachi University. According to the Leonard Cheshire Foundation, most children with disabilities did not attend school; at the primary level, 50 percent of girls and 28 percent of boys were out of school.

The government declared the federal capital and provincial capitals as disabled-friendly cities and granted permission to persons with disabilities to take central superior service exams. It also established 127 special education centers in main cities. Employment quotas at the federal and provincial levels require public and private organizations to reserve at least 2 percent of jobs for qualified persons with disabilities. This right was protected only partially due to a lack of adequate enforcement mechanisms. Families cared for most individuals with physical and

mental disabilities. In some cases criminals forced persons with disabilities into begging and took most of the proceeds they received.

Organizations that refused to hire persons with disabilities could choose to pay a fine to a disability assistance fund. This obligation was rarely enforced. The National Council for the Rehabilitation of the Disabled provided job placement and loan facilities as well as subsistence funding. There were no restrictions on the rights of persons with disabilities to vote or participate in civil affairs. Voting was challenging for persons with disabilities, however, because of severe difficulties in obtaining transportation and access to polling stations.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual conduct is a criminal offense; however, the government rarely prosecuted cases. Lesbian, gay, bisexual, and transgender (LGBT) persons rarely revealed their sexual orientation. No laws protect against discrimination on the basis of sexual orientation or gender identity. Discrimination against LGBT persons was widely acknowledged privately, but insufficient data existed for accurate reporting on these forms of discrimination, due in part to severe societal stigma and fear of recrimination for those who came forward. In September the PTA blocked the country's first online platform for the LGBT community to share views and network.

Society generally shunned transgender persons, eunuchs, and hermaphrodites, referred to as "hijras," who often lived together in slum communities and survived by begging and dancing at carnivals and weddings. Some also were involved in prostitution. Hijras often were denied places in schools or admission to hospitals, and landlords often refused to rent or sell property to them. Hijras' families often denied them their fair share of inherited property. A 2012 Supreme Court ruling recognized hijras as a "third gender" and allowed them to obtain accurate national identification cards. Because of the ruling, hijras fully participated in the May 11 elections for the first time as candidates and voters.

### **Other Societal Violence or Discrimination**

Societal attitudes toward HIV-positive individuals were changing, but discrimination persisted. Cases of discrimination often went unreported due to the stigma faced by HIV/AIDS patients. In addition to operating treatment centers, the National Aids Control Program held rallies and public campaigns and spoke in

mosques about birth control and AIDS awareness. The government established 13 HIV treatment and care centers nationwide, which provided comprehensive HIV care services.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

The vast majority of the nation's labor force was under the jurisdiction of provincial labor laws. In 2010 the 18th amendment to the constitution devolved labor legislation and policies to the four provinces. It stipulated that laws would remain in force "until altered, repealed, or amended by the competent authority," that is, the provincial governments. At the same time, the federal Industrial Relations Act (IRA) expired, and provinces were expected to implement their own IRAs. This did not happen until mid-2011. In March 2012 parliament passed a new IRA, which took International Labor Organization (ILO) conventions into account, but only applied them to the Islamabad Capital Territory (ICT) and trade federations that operate in more than one province. Punjab's IRA, for example, violates ILO conventions because it bans unions in companies with 50 or fewer employees. The role of the federal government to provide for compliance with ILO conventions remains unclear in the wake of devolution. The only federal government body remaining with any authority over labor issues is the Ministry of Human Resource, Development, and Overseas Pakistanis, whose role is limited to compiling statistics to demonstrate compliance with ILO conventions. Even so at year's end the government had yet to respond with specific progress reports on the various provinces. The ILO noted the passage of provincial IRAs governing labor relations took place without tripartite consultation or resolution of problems in the former federal legislation, including the inability of agricultural workers to form worker associations. At the provincial level, collective bargaining rights excluded banking and financial-sector workers, forestry workers, hospital workers, self-employed farmers, and persons employed in an administrative capacity or managerial capacity.

Despite passage of the four provincial-level IRAs, no federal law covered nationwide or transprovincial unions until 2011, so such organizations had no authority to exist and no mandate. This legal gap included unions at nationwide entities, such as Pakistan International Airlines and the Pakistan Water and Power Development Authority. The Industrial Relations Ordinance (IRO) passed in 2011 rectified these issues, but the directive applied only to transprovincial unions and unions operating inside the ICT. The IRO expired in March 2012, and the IRA

2012 took effect immediately thereafter. The IRA 2012, like the stopgap measure before it, addresses only transprovincial and ICT unions. Most of the nation's labor force was not covered by any federal labor regulations of any kind.

In addition labor unions noted that, without any federal-level legislation or federal-level entity responsible for labor, the continued existence of the National Industrial Relations Commission stood in question, and there was no government representative to respond to or negotiate with international labor bodies or to provide for compliance with international norms. The federal IRA 2012 stipulates that the commission may adjudicate and determine industrial disputes within the ICT to which a trade union/federation of trade unions is a party, and any other industrial dispute determined by the government to be of national importance. This provision does not provide a forum specifically for interprovincial disputes but appears to allow for the possibility such a dispute could be resolved in the commission.

The role of the federal government in labor issues was unclear at year's end. It lacked a strong coordination role and provided no minimum standards for acceptable labor practices. Observers noted that effective enforcement of treaty requirements would be difficult in this ambiguous regulatory environment.

Worker organizations noted that capacity and funding for labor relations implementation at the provincial level was limited and that there was controversy over the federal government's decision to maintain control of the Workers Welfare Fund and Employees Old Age Benefits Institution.

State administrators, government and state enterprises, workers in export processing zones, and public sector workers were prohibited from collective bargaining and striking, but labor groups reported the law was not applied during the year. The provincial industrial relations acts also address and limit strikes and lockouts. For example, the KP Industrial Relations Act specifies that where any "strike or lockout lasts for more than 30 days, the government may, by order in writing, prohibit the strike or lockout" and must then refer the dispute to a labor court.

In 2009 the Sindh High Court struck down the longstanding practice of regulating labor through finance bills. This ruling cast into doubt the validity of minimum wage laws and mandatory contributions to employee benefit funds. Resolution of this ambiguity remained a top priority for labor leaders during the year.

Labor disputes involving the Young Doctors Association remained unresolved at year's end. The association had requested increased stipends and allowances, and the government stated it would look into the association's demands. The Lahore High Court asked the doctors to end their strike and initiated contempt of court proceedings against them when they refused to. The proceedings, initiated in September 2012, continued at year's end.

Other federal-level laws define illegal strikes, picketing, and other types of protests as "civil commotion" that carries a penalty of up to life imprisonment. The law also states that any gathering of four or more persons requires police authorization, a provision that authorities may use against trade union gatherings because devolution did not alter the federal government's authority on criminal matters.

Labor groups, international organizations, and NGOs expressed concern about the devolution of the laws, noting that certain labor issues, including minimum wages, worker rights, national labor standards, and observance of international labor conventions, should remain within the purview of the federal government. Observers also raised concerns about the provinces' varying capacity and commitment to adopt and enforce adequate labor laws.

Labor leaders also stressed the need for legislation to cover the rights of workers in the informal and agricultural sectors. The majority of factory workers were employed as contract labor with no fringe benefits beyond basic wages and no long-term job security, even if they remained with the same employer for years. Factory managers were often unable to ascertain the identity of fire or other work-related accident victims because these individuals generally did not appear in official records.

Enforcement of labor laws remained weak, in large part due to lack of resources and political will. Most unions functioned independently of government and political party influence. Labor leaders raised concerns about the use of "yellow unions" by employers to prevent effective unionization.

There were no reported incidents of the government dissolving a union without due process. It is possible, however, for a union to be administratively "deregistered" without judicial review.

Unions were able to organize large-scale strikes, but strikes were often broken up by police and used by employers to justify dismissals. Marches and protests also occurred regularly despite the repercussions, although union leaders were often

arrested and in some cases charged under antiterrorism and antistate laws. Violence and other freedom of association problems persisted throughout the year. In March 2012 police used batons and tear gas against a demonstration by female health workers in Sindh Province. In June 2012 eight doctors were injured and 50 arrested during a demonstration in Quetta. In July 2012 troops deployed by the military to disperse mass protests in Karachi killed 65 persons.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, cancels all existing bonded labor debts, forbids lawsuits for the recovery of such debts, and establishes the district vigilance committee system to implement the act. The ILO noted that federal and provincial acts prohibit employees from leaving their employment without the consent of the employer or from striking, since doing so would subject them to penalties of imprisonment that may involve compulsory labor.

The government did not enforce federal law largely due to lack of political will and the complicity and involvement in trafficking of officials, as well as technical flaws in the law, federal and local government structural changes, and a lack of budget implementation. As a result, when law enforcement officers registered bonded labor offenses, they did so under other sections of the penal code, including kidnapping and illegal confinement.

The use of forced and bonded labor was widespread and common in many industries across the country. NGOs estimated nearly two million persons were in bondage, primarily in Sindh and Punjab but also in Balochistan and KP. A large proportion of bonded laborers were low-caste Hindus, as well as Christians and Muslims with lower socioeconomic backgrounds. Bonded labor was common in the agricultural sector, including the cotton, sugar cane, and wheat industries, and in the brick, coal, glass, and carpet industries. Bonded laborers often were unable to determine when their debts were fully paid, in part because contracts were rare and employers were able to take advantage of bonded laborers' illiteracy to alter debt amounts or the price laborers paid for seed and fertilizer. In some cases landowners restricted laborers' movements with armed guards or sold laborers to other employers for the price of the laborers' debt.

Boys and girls also were bought, sold, rented, or kidnapped to work in illegal begging rings, domestic servitude, and agriculture as bonded laborers. Illegal labor agents charged high fees to parents with false promises of decent work for their

children and later exploited them by subjecting the children to forced labor in domestic servitude, unskilled labor, small shops, and other sectors.

Some bonded laborers returned to their former status after they were freed, due to a lack of alternative employment options. Ties between landowners, industry owners, and influential politicians hampered effective elimination of the problem. For example, some local police were unable to pursue landowners or brickkiln owners effectively because they believed higher-ranking police, pressured by politicians or the owners themselves, would not support their efforts to carry out investigations according to the law.

The KP, Punjab, and Sindh ministries of labor registered brickkilns and workers to regulate the industry better and provide workers access to labor courts and other services. Officials claimed that they took steps to register the brickkilns, but the exact number of registrations was not available. The Punjab Department of Labor ran a project to combat bonded labor in brickkilns through which it helped workers obtain national identity cards and interest-free loans and opened schools at brickkiln sites.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The constitution expressly prohibits the employment of children below age 14 in any factory, mine, or other hazardous site. The law limits a child's workday to seven hours, including a one-hour break after three hours of labor, and sets permissible times of day for work and time off. Children are not allowed to work overtime or at night, and a child should have one day off per week. In addition the law requires employers to keep a register of child workers for labor inspectors to verify. These prohibitions and regulations do not apply to family businesses or government schools.

The law prohibits the exploitation of children younger than age 18 and defines exploitative entertainment as all activities related to human sports or sexual practices and other abusive practices. Parents who exploit their children are liable under the law. The law makes bonded labor by children punishable by up to five years in prison and 50,000 rupees (\$515) in fines. The government considers four occupations and 34 processes illegal for children, including street vending, surgical instrument manufacturing, deep-sea fishing, leather manufacturing, brick making,

production of soccer balls, and carpet weaving. Despite this, there were reports of children working in all of these areas.

Because the federal Ministry of Labor and Manpower was dissolved during the devolution of labor issues to the provinces, it was unclear whether coordination of child labor problems at the national level remained effective. Labor inspection was carried out at the provincial rather than national level, which contributed to uneven application of labor law; enforcement efforts were not adequate to meet the scale of the problem. Inspectors had little training and insufficient resources and were susceptible to corruption. Labor inspections became even more infrequent after devolution, with no floor for the minimum frequency of inspections. Authorities allowed NGOs to perform inspections without interference, and SPARC noted officials usually cooperated with their visits.

Authorities often did not impose penalties on violators; when they did, the penalties were not a significant deterrent. Although authorities obtained hundreds of convictions for violations of child labor laws, the fines were too low to deter violations.

Due to weak government enforcement of child labor laws, child labor remained pervasive. NGOs and government sources noted that the 2010 and 2011 floods were devastating for children and resulted in the destruction of schools and dire financial conditions that compelled families to put children to work. According to the HRCP and SPARC, there were 10 million to 11.5 million child laborers, many of them in agriculture and domestic work.

Approximately 70 percent of nonagricultural child labor took place in small workshops; complicating efforts to enforce child labor laws, since by law inspectors may not inspect facilities employing fewer than 10 persons.

Children were forced to work in the brickkiln, glass bangle, and carpet-weaving industries, as well as agriculture, as part of fulfilling their families' debt obligation to feudal landowners or brickkiln owners. UNICEF estimated the number of children working in brickkilns at 250,000. In August 2012 researchers estimated there were approximately two million bonded laborers, many of whom included entire families with children. Children also reportedly worked in the production of incense, cotton, wheat textiles, tobacco, sugar cane, gemstones, and in stone crushing.

Poor rural families sometimes sold their children into domestic servitude or other types of work, or they paid agents to arrange for such work, often believing their children would work under decent conditions. Some children sent to work for relatives or acquaintances in exchange for education or other opportunities ended up in exploitative conditions or forced labor.

Children also were kidnapped or sold into organized begging rings, domestic servitude, and child prostitution.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The minimum wage for unskilled workers was 8,000 rupees (\$76) per month, except in Punjab, where it was 9,000 rupees (\$85) per month. On June 26, the federal government raised the minimum wage for unskilled workers from 8,000 rupees (\$76) to 10,000 rupees (\$94) per month. The provincial governments endorsed the federal government's decision by issuing the required notifications to raise the minimum wage. The government's 2011-12 Economic Survey considered the poverty line to be 3,389 rupees (\$32) per month. Significant sectors of the labor force, including those in the informal sector, domestic servants, and agricultural workers, were not covered by minimum wage laws.

The law provides for a maximum workweek of 48 hours (54 hours for seasonal factories) with rest periods during the workday and paid annual holidays. Additional benefits required under the labor code include official government holidays, overtime pay, annual and sick leave, health care, education for workers' children, social security, old age benefits, and a workers' welfare fund.

These regulations do not apply to agricultural workers, workers in factories with fewer than 10 employees, domestic workers, or contractors. In addition such workers do not have the right to access "worker courts" to seek redress of grievances and were otherwise extremely vulnerable to exploitation. The inapplicability of many labor laws and the lack of enforcement by the government gave employers in many sectors relative impunity with regard to working conditions, treatment, work hours, and pay.

Provincial governments have primary responsibility for enforcing national labor regulations. Enforcement was ineffective due to limited resources, corruption, and

inadequate regulatory structures. In Sindh provincial policies against surprise inspections severely limited effective enforcement. In Punjab routine factory labor inspections were replaced by a self-declaration system whereby factory owners post declarations about workplace safety, health, and wage issues in their factories. Factories are then chosen at random for inspection, but declarations are not mandatory and there are no penalties for not complying with the self-declaration policy. Balochistan and KP allowed surprise inspections. Many workers remained unaware of their rights, especially in the informal sectors. Given the serious restrictions on labor inspections and the impact of limited resources and corruption, inspections and concomitant penalties were insufficient to deter violations of labor laws.

Health and safety standards were poor in all sectors. There was a serious lack of adherence to mine safety and health protocols. For example, many mines had only one opening for entry, egress, and ventilation. Workers could not remove themselves from dangerous working conditions without risking loss of employment. Informal sector employees faced multiple precarious situations, particularly in less visible areas such as domestic work. There were no official statistics on workplace fatalities and accidents during the year.

The country's failure to meet international health and safety standards raised doubts abroad as to its reliability as a source for exports. The Sindh government consulted with the ILO to develop a program to improve its labor standards and laws in an attempt to regain its status as a sourcing country. The government claimed that the Ministry of Commerce is working with key stakeholders to improve workplace safety and increase its workplace ranking by 2014.